

BACKGROUND FACTS

14. This case arises from a conspiracy to prey on people in their most vulnerable moments and an egregious betrayal of trust by wolves in white coats. CARE Clinics, Inc. is an alleged treatment facility claiming to specialize in alternative treatments for children with autism. Defendant Kazuko Curtin is the founder and an employee of CARE Clinics. Defendant Jesus Caquias, M.D. is the medical director and an employee of CARE Clinics. Defendant Jeff Baker is a naturopathic physician and an employee of CARE Clinics.

15. Defendants Nutrigenomics, CASD, CASD Biomedical and CASD Bioresearch are affiliates and/or subsidiaries of CARE Clinics and were engaged in the conspiracy to commit the tortious acts described below.

16. Defendant Doctors Data, Inc. operates a laboratory and/or medical testing facility that perform tests on "specimens" collected by CARE Clinics from its patients including Ron Stemp. Doctors Data was engaged in the conspiracy to commit the tortious acts described below.

17. Ron Stemp was initially seen at CARE Clinics on or about November 19, 2007 by Jeff Baker and Dr. Jesus Cacquias. At that time, Mr. Stemp was concerned by what he perceived as potential problems that included some memory loss, inability to sleep, difficulty concentrating, and depression, symptoms that many people suffer from in our society today. During that appointment, Mr. Stemp was quickly advised by Defendants that he likely suffered from heavy metal poisoning and that certain tests were allegedly necessary to confirm that diagnosis. Defendants put Mr. Stemp through a battery of tests for which he was charged, allegedly to determine if he suffered from heavy metal poisoning. In addition, Defendants provided Mr. Stemp with a substantial amount of promotional materials designed to induce him to continue to obtain and pay for treatment at Care Clinics.

18. Included among the tests performed on Mr. Stemp was a "urine toxic metals" test. Upon information and belief, Defendants collected two specimens, allegedly to test to determine if Mr. Stemp suffered from heavy metal poisoning as they "suspected." The specimens were collected and sent to Doctors Data for testing. A "pre provocative" test was performed and a "post provocative" test was performed. In reality, the tests are nothing more than part of Defendants' money making ruse.

19. The term "pre provocative" indicates that the specimen was collected before Mr. Stemp was administered a provoking agent. The term "post provocative" indicates that the specimen was collected after a provoking agent. In this case, it is believed that IV DMPS was administered as the provoking agent.

20. A provoking agent is a compound administered to the patient that attaches to lead, mercury and other molecules in the blood and forces them to be excreted. The result is that after the patient is given a provoking agent, he/she will show elevated levels of lead mercury and other metals in the urine.

21. The tests of the "pre provoked" samples from Mr. Stemp revealed that the metal levels in Mr. Stemp's urine were all within the reference range or, in other words, normal. Some metals were either not present or in such a small quantity so as not even to register on the reference scale.

22. Not surprisingly, the "post provocative" samples from Mr. Stemp showed elevated levels of aluminum, mercury, and tin. All of these metals were provoked to show up on the test result, unbeknownst and undisclosed to Mr. Stemp. Defendants alerted Mr. Stemp that his "post provocative" lead levels were off the charts but that they had the treatment and cure.

23. The reference range on the report from Doctors Data, which was used by CARE Clinics to convince Ron Stemp that he had heavy metal poisoning, used a reference range of less than 3 ug/g for mercury and less than 5 ug/g for lead. It is the industry standard, when using non-provoked tests to use a much higher reference range. Thus, the Doctors Data test is much more likely to return an elevated result, giving

Defendants the ability to convince the victim to undergo expensive treatment with the Defendants due to the "elevated" levels.

24. Doctors Data knew or should have known that the provoked testing performed on Ron Stemp would artificially raise the metal levels in his urine. Yet, the Doctors Data report classifies values in the range of 5-10 ug/g as "elevated." The report also states that "no safe reference levels for toxic metals have been established."

25. Upon information and belief, Doctors Data provided CARE Clinics with at least 2 copies of their report, one for CARE Clinics and one for Ron Stemp. Like most lay people, Ron Stemp did not understand and had no idea what the numbers on the report meant. He relied on Defendants to provide and interpret the results, which he was told showed a life threatening illness. That misdiagnosis was sinisterly consistent with the misleading information on the face of the report which references "elevated" lead, mercury, tin and aluminum and conveys "no safe levels" to mean that any number above zero was a major problem for the patient.

26. Several weeks later, the Stemps were summoned to the clinic to receive results and a diagnosis. With only the "post provocative" test results in hand and no mention or explanation of the pre provocative test results, Ms. Curtain, dressed in a white lab coat and representing herself to be a doctor, delivered the news to Ron and Carrie Stemp that Ron had dangerously high levels of toxic metals in his body that were making him seriously ill. Ms. Curtain then explained to the Stemps that the only way to cure Mr. Stemp was to begin chelation treatment immediately and continue chelation several times a week for 18 months. Ms. Curtain also delivered the devastating news to the Stemps that Ron also had Alzheimer's disease. All of this was heartbreaking to the Stemps.

27. The Stemps were advised that only chelation and drastic dietary and environmental changes would improve Mr. Stemp's condition. The Stemps were told that only by undergoing the treatment recommended by Care Clinics would Ron Stemp's symptoms improve. The Stemps were advised that the treatment recommended was medically necessary and that it was extremely important to get started with the treatment as soon as possible and to do the treatment as much as possible.

28. Mr. Stemp was directed by Ms. Curtain, Jeff Baker, and other employees of CARE Clinics to undergo chelation treatment as often as he could tolerate and avoid all contact with metals and chemicals.

29. Unbeknownst to the Stemps, Kazuko Curtain was not and is not a doctor. She is not a nurse. Upon information and belief, Ms. Curtain has no formal medical training. Jeff Baker is not a medical doctor. Rather, he is a naturopathic physician. Naturopathic physicians are not licensed by the State of Texas and are not permitted to practice medicine in the State of Texas. Naturopathic physicians are not permitted to diagnose medical conditions or prescribe pharmaceutical medications.

30. Chelation therapy is a series of intravenous infusions containing a chelating agent and various other substances. Some people compare it to chemotherapy undergone by cancer patients.

31. Determined to rid his body of the poison the Defendants told him was within, Mr. Stemp went to chelation therapy at least twice a week, oftentimes more than that, for a period of ten months. In reality, and unbeknownst to Mr. Stemp, the "cure" they were putting in his body was unnecessary, was worthless and was actually risking his life, not saving it.

32. The treatments were very difficult and painful for Ron Stemp. He had to endure long days of multiple injections each day. He was subjected to daily multiple intravenous treatments with frequent changes of needle sites. Ron Stemp subjected himself to this chemotherapy type regime because he was told it would cure him of the deadly conditions diagnosed by Defendants. The expensive and tortuous treatment caused Ron Stemp to suffer significant emotional distress and physical pain, caused disruption and destruction of his professional life and subjected Ron and his family to considerable stress and anxiety. The chelation caused him to feel nauseous, lethargic, depressed and constantly drowsy and weak. He suffered a loss of

energy, loss of appetite, and vomiting among other side effects. No person should have to suffer these types of physical and emotional side effects even if they were actually sick, much less for the financial gain of others. Yet, while Ron suffered through this chelation torture, Defendants not only watched, they actually encouraged more, telling Ron that the more he did these treatments, the better off he would be. Of course, they charged him for the treatment.

33. Contrary to the representations made by Defendants, the chelation treatment subjected Mr. Stemp to substantial risks. Any LV. treatment can result in infections of many types. Chelation therapy can result in renal failure and blood dyscrasias. By undergoing these therapies, Ron Stemp was subject to risks of death and disablement.

34. During his chelation treatment, on a routine basis, Defendants collected additional urine specimens from Ron Stemp. Each time, provoked tests were performed by Doctors Data. Each time, Doctors Data provided Ron Stemp with a report that showed elevated levels of toxic metals. Doctors Data never revealed to Ron Stemp that the provoked tests would always show elevated levels of heavy metals. In reality, all the increased chelation treatments were doing was increasing the profits to Defendants, all the while subjecting the Stemps to continued physical and financial peril.

35. Mr. Stemp was a proud, hard-working man. Prior to November, 2007, Mr. Stemp worked as a plumber for more than 20 years, making a good living for himself and his family. An essential function of his job as a plumber was welding. Because Defendants instructed him to stop welding and avoid metals at all costs, and due to the chelation treatments, Mr. Stemp was unable to perform his required job duties. Due to his inability to perform the essential functions of his job, attending chelation therapy and the side effects of the chelation therapy, Mr. Stemp lost his job and has been unable to return to work as a plumber at his previous level since beginning chelation treatment.

36. Determined to make his health better and urged on by the continuing tests and advice of the Defendants, Mr. Stemp completed ten months of chelation treatment at CARE Clinics. After ten months, Mr. Stemp could take no more - he discontinued his treatment because his original symptoms were not improving and his overall health had worsened as a result of the chelation.

37. After ceasing chelation, Ron Stemp saw competent, caring and prudent healthcare providers. Stemp learned that he did not, in fact, suffer from heavy metal poisoning or Alzheimer's disease and that the tests performed by Defendants were not the proper or prudent standard for diagnosing lead or other metal poisoning. Moreover, he learned that the chelation treatment he endured for ten months had been completely unnecessary and dangerous.

38. As a result of the actions and inactions of Defendants and undergoing expensive, unnecessary and harmful chelation treatment, Ron Stemp and his family have been permanently damaged. Ron has suffered personal injuries, paid unnecessary medical bills, lost wages, lost earning capacity, and suffered extreme physical pain and mental anguish. Ron Stemp has incurred medical expenses in the past and will incur additional medical expenses in the future. In addition, Carrie Stemp, who stood shoulder to shoulder and endured this entire nightmare with her husband, has also suffered incredible damages at the hands of the defendants, including loss of consortium injuries and damages.

COUNT I: ASSAULT

39. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

40. As described above, Defendants CARE Clinics, Curtain, Caquias, and Baker knowingly or recklessly caused serious bodily injury to Ron Stemp by subjecting him to unnecessary and harmful chelation treatments.

41. As a direct and proximate result of these Defendants' conduct as alleged in this petition, Ron Stemp

sustained bodily injuries requiring medical care and attention. Therefore, Ron Stemp has incurred reasonable expenses for necessary medical treatment. In all probability, Ron Stemp will continue to require medical attention and treatment in the future, and, thus, will continue to incur expenses for medical treatment.

42. At the time of these Defendants' conduct, Ron Stemp was employed as a plumbing superintendent on large commercial developments. As a direct and proximate result of these Defendants' conduct as alleged herein, Ron Stemp was unable to perform the essential duties of his occupation. Ron Stemp has been unable to return to work in his previous position as a plumbing superintendent and, in all probability, will continue to be unable to resume his duties in the future, if not for the remainder of his life.

43. As a direct and proximate result of these Defendants' conduct, Ron Stemp has suffered physical pain and mental anguish in an amount within the jurisdictional limits of this Court.

44. In committing all of the acts described herein, these Defendants acted with the specific intent to cause substantial injury to Ron Stemp. In the alternative, when viewed objectively from the standpoint of the Defendants at the time the acts occurred, Defendants actions involved an extreme degree of risk, considering the probability and magnitude of the

potential harm to Ron Stemp, and the Defendants proceeded with conscious indifference to the rights, safety, or welfare of Ron Stemp despite the defendants actual, subjective awareness of the risk involved.

COUNT II: VIOLATIONS OF THE TEXAS DECEPTIVE TRADE PRACTICES ACT

45. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim. Plaintiffs are consumers as defined by the Texas Deceptive Trade Practices Act. Defendants' representations, including those as described in this petition, were false, misleading and deceptive in that Defendants represented to Plaintiffs that Ron Stemp suffered from heavy metal poisoning and needed chelation therapy on a weekly basis in order to cure his heavy metal poisoning. In addition, Defendants performed tests on Ron Stemp which were designed and executed in such a way as to achieve the desired result-a finding of elevated levels of dangerous metals including lead and mercury. The purpose behind Defendants misleading and deceptive representations was to induce Ron Stemp into beginning very expensive and unnecessary chelation treatment. With the bogus, trumped-up and false positive test results in hand, Defendants informed Plaintiffs that Mr. Stemp had seriously high levels of lead and other metals in his system and that the very expensive chelation therapy was his only hope for recovery.

48. The representations violate subdivisions (b)(5) and (b)(24) of Section 17.46 of the Deceptive Trade Practices Act in that they constitute representations that particular goods and services have certain qualities, uses or benefits when they did not and failing to disclose information about goods or services with the intent to induce Mr. and Mrs. Stemp to enter into a transaction that they would not have entered into if the information had been disclosed

49. Plaintiffs relied upon these representations to their detriment.

50. Defendants engaged in an unconscionable course of action by falsely representing to Plaintiffs that Ron Stemp suffered from heavy metal poisoning and required chelation therapy in order to cure his condition. By such conduct, Defendants took advantage of Plaintiffs' fear, desperation, and lack of knowledge, ability, experience or capacity, to Plaintiff's detriment, to a grossly unfair degree.

51. Defendants' conduct as described above was a producing cause of Plaintiff's economic damages. As a result of Defendants' conduct, Plaintiffs have suffered economic damages within the jurisdictional limits of this court.

52. Defendants' conduct described above was committed knowingly and intentionally. Defendants were

actually aware, at the time of the conduct of the falsity, deception, and unfairness of the conduct about which Plaintiffs complain. As a direct result of Defendants' knowing and intentional misconduct, Plaintiffs suffered mental anguish. In particular, Plaintiffs suffered depression, intense feelings of humiliation, and belittlement, an abnormal sense of inferiority and accompanying panic attacks, and loss of appetite and sleep. Accordingly, Defendants are liable to Plaintiffs for mental anguish damages and additional damages of up to three times the amount of economic damages as permitted by the Deceptive Trade Practices Act.

COUNT III: FRAUD

53. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

54. Defendants made misrepresentations and omissions of material facts to Plaintiffs regarding Mr. Stemp's condition, their qualifications to offer medical advice, and the adequacy, appropriateness, and reliability of the testing performed on Mr. Stemp. These representations were material and induced Plaintiffs to agree that Mr. Stemp should undergo unnecessary, harmful and expensive treatment. Had Plaintiffs known the true facts, Mr. Stemp would not have undergone chelation treatment.

55. Defendants representations as to Mr. Stemp's diagnosis of heavy metal poisoning was false and intended to induce Mr. Stemp to undergo expensive chelation treatment so that Defendants could bill significant amounts of money for such treatment. Defendants knew that their representations were false when they were made, or, in the alternative, Defendants made these representations without any regard for their truth. Defendants intended that Plaintiffs rely on their misrepresentations and/or omissions. The conduct of Defendants was such as to rise to the level of fraud.

56. Moreover, Defendants Curtain and Baker represented themselves to the Stemps as medical doctors. Each engaged in medical treatment and diagnosis of Mr. Stemp. Both gave Mr. Stemp medical advice and recommended the course of treatment described herein. At no time did Ms. Curtain or Mr. Baker disclose that they were not medical doctors nor that they were not authorized to practice medicine in the state of Texas. The Stemps believed Ms. Curtain and Mr. Baker were medical doctors and relied upon their medical advice in deciding to begin and continue the chelation treatment. Had the Stemps known the truth-that Ms. Curtain and Mr. Baker were not medical doctors, that chelation was not a medically accepted treatment for Ron Stemp's condition, and that chelation was not indicated for his symptoms, they would not have exposed Ron Stemp to chelation treatment.

57. Plaintiffs had no knowledge of the falsity of Defendants representations and omissions of material facts. Plaintiffs reasonably and justifiably relied upon the representations or omissions of Defendants in deciding to begin and then continue the treatment.

58. Plaintiffs have been injured as a direct and proximate result of the foregoing fraud in an amount in excess of the minimum jurisdictional limits of this Court. Additionally, these acts were committed willfully and wantonly, and accordingly, Plaintiffs are entitled to recover punitive damages in an amount to be determined by a trier of fact. Plaintiffs seek recovery of those damages from Defendants, jointly and severally.

COUNT IV: BREACH OF FIDUCIARY DUTY

59. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

60. Defendants owed Ronald Stemp a fiduciary duty. The duty was owed, among other reasons, because of a special relationship with Mr. Stemp based upon his justifiable trust and confidence that included a trust that Defendants would care for him and do no harm to him and not put their profit over his safety. Defendants breached and betrayed that trust

61. That fiduciary duty required Defendants, among other things, to:

- i. be open and honest with Stemp and to perform appropriate tests to determine Mr. Stemp's medical condition;
- ii. Fully disclose to Mr. Stemp that Kazuko Curtain had no medical training, was not a medical doctor, and was not qualified to give care and treatment advice;
- iii. Fully disclose that Jeff Baker was not a medical doctor, was not licensed to practice medicine in the State of Texas, and was not authorized to render a diagnosis or give medical advice to Mr. Stemp;
- iv. Refrain from administering treatment that had no clinical basis and was not indicated for Mr. Stemp's symptoms and condition;
- v. Refrain from sacrificing Mr. Stemp's health and welfare in order to make a profit;
- vi. Make reasonable use of the confidence Plaintiffs placed in Defendants; vii. Act in the utmost good faith and exercise the most scrupulous honesty toward Plaintiffs;
- viii. Fully and fairly disclose all important information to Plaintiffs concerning the proposed treatment and care providers.

62. Defendants breached their fiduciary duties to Plaintiffs. As a direct and proximate result of that breach, Plaintiffs have been injured and suffered damages within the jurisdictional limits of this Court.

COUNT V: NEGLIGENCE

63. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

64. Pleading further, and in the alternative if necessary, through their improper treatment of Ronald Stemp, Defendant CARE Clinic and Defendant Jesus Antonio Caquias, M.D., were negligent and their actions and inactions violated the standard of care and fell below the applicable standard of care due to Ron Stemp. Those failures included one or more of the following acts or omissions:

65. Failure to properly care and treat the patient; Failure to properly evaluate the patient; Failure to assess, diagnose and/or treat Ronald Stemp as a reasonable prudent physician and/or healthcare provider would have done under the same or similar circumstances. The acts and/or omissions of Defendants constitute negligence. This conduct was therefore a proximate cause of injuries and damages sustained by Ronald Stemp.

66. At all relevant times, Jesus Antonio Caquias, M.D. was an agent or employee of CARE Clinics.

67. Dr. Caquias' improper treatment of Ronald Stemp was performed within the course and scope of his duties with CARE Clinic. Therefore, CARE Clinic is liable for the negligence of Dr. Caquias through the doctrine of respondeat superior.

68. As described above, the conduct by Defendants, including Dr. Caquias' constitutes an aggravated assault, as defined by Tex. Pen. Code §§ 22.01 and 22.02. Accordingly, the limitation on recovery of exemplary damages set forth in Tex. Civ. Prac. & Rem. Code § 41.008(b) does not apply. See Tex. Civ. Prac. & Rem. Code § 41.008(c)(3).

COUNT VI: MISREPRESENTATION

69. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

70. As described above, Ron Stemp presented himself for examination and treatment at CARE Clinics on or about November 19, 2007.

71. Upon information and belief, Dr. Caquias, or his agents at his direction, represented to Mr. Stemp that he suffered from heavy metal poisoning and required chelation treatment for 18 months.

72. Dr. Caquias' representation that Mr. Stemp suffered from heavy metal poisoning was false and at the time the representation was made, Dr. Caquias knew it to be false. Dr. Caquias made the false representation with the intent of inducing Mr. Stemp to submit to the chelation treatment. Dr. Caquias' purpose in making the false representation was to charge Mr. Stemp a significant fee for the treatment.

73. Mr. Stemp relied upon the false representation by Dr. Caquias that he had heavy metal poisoning. Mr. Stemp believed the false representation to be true, and through the representation was induced to consent to submit to the chelation treatment prescribed by Dr. Caquias. Immediately after Mr. Stemp consented, Dr. Caquias began chelation treatment upon Mr. Stemp and continued such treatment for ten months.

74. As a direct and proximate result of the chelation treatment, Mr. Stemp suffered injuries as described above and damages within the jurisdictional limits of this Court.

75. As alleged above, at the time Dr. Caquias made the representation to Mr. Stemp that he had heavy metal poisoning, Dr. Caquias knew that the representation was false. Consequently, Dr. Caquias' conduct in making the representation was fraudulent. Plaintiffs therefore sue for exemplary damages.

76. As described above, the conduct by Defendants, including Dr. Caquias' constitutes an aggravated assault, as defined by Tex. Pen. Code §§ 22.01 and 22.02. Accordingly, the limitation on recovery of exemplary damages set forth in Tex. Civ. Prac. & Rem. Code § 41.008(b) does not apply. See Tex. Civ. Prac. & Rem. Code § 41.008(c)(3).

COUNT VII: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

77. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

78. At all times mentioned in this petition, Defendants Curtain, Caquias and Baker were agents of Defendant Care Clinics and were acting within the scope of their authority as agents.

79. Defendants' conduct, as described above, was intended to and did inflict severe mental and emotional distress upon Ron Stemp. Defendants knew that such conduct would subject Ron Stemp to severe emotional distress.

80. Defendants' conduct was extreme and outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious and utterly intolerable in a civilized society.

81. Defendants' conduct proximately caused Ron Stemp damages in that it caused him suffer severe emotional distress. In particular, Defendants' conduct was the direct and proximate cause of severe mental pain and anguish.

82. Ron Stemp's emotional distress has been severe in that he has suffered from anxiety attacks, depression, loss of sleep, loss of appetite, nausea and vomiting.

83. In addition to severe emotional distress, Ron Stemp has suffered and will continue to suffer additional

damages as a proximate result of the defendants' conduct in that, in all reasonable probability, Ron Stemp will continue to suffer this mental pain and anguish for a long time in the future. Ron Stemp has also incurred loss of earnings and future earning capacity.

COUNT VIII: LOSS OF CONSORTIUM

84. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

85. At all times material to this lawsuit, Carrie Stemp was married to Ronald Stemp. As a direct and proximate result of the actions of the Defendants, as described above, she has suffered a loss of consortium as that term is defined under Texas law. As a result, Carrie Stemp has suffered damages within the jurisdictional limits of this court.

COUNT IX: CONSPIRACY

86. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

87. Pleading further and in the alternative, the Defendants have entered into a civil conspiracy with each other and have agreed to use unlawful means to accomplish an unlawful purpose to Plaintiffs' detriment. Plaintiffs were and continue to be damaged as a direct and proximate result of the civil conspiracy between and by and amongst all the Defendants. As a result of their conspiracy, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of this Court. Plaintiffs seek recovery of these damages from the Defendants, jointly and severally.

COUNT X: SINGLE BUSINESS ENTERPRISE LIABILITY

88. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

89. Pleading further and in the alternative, if necessary, Plaintiffs assert that Defendants CARE Clinics, Nutrigenomics, CASD, CASD Biomedical and CASD Bioresearch are liable for the causes of action asserted herein on the basis of their relationship with one another and/or the single business enterprise theory. They operated a single business enterprise.

90. On information and belief, they maintained common employees, common offices, centralized accounting, and/or a common business name. Additionally, these named Defendants have unclear profit allocations, common contact information, services rendered by employees of one entity for another entity, and payment of wages by one entity for another entity's employees.

90. As a result, they should be regarded as the same entity for liability purposes as the resources have been integrated to achieve a common business purpose.

COUNT XI: JOINT ENTERPRISE AND/OR JOINT VENTURE

91. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

92. Pleading further and in the alternative, if necessary, Plaintiffs allege the Defendants CARE Clinics, Nutrigenomics, CASD, CASD Biomedical and CASD Bioresearch were engaged in a joint enterprise and/or joint venture: there existed between all or a combination: (1) an agreement, express or implied, among the members of the group; (2) a common purpose to be carried out by the group; (3) a community of pecuniary interest; (4) an equal right to a voice in the direction of the enterprise.

93. As a result, the above referenced Defendants are liable to Plaintiffs for the acts and omissions causing the Plaintiffs' damages.

COUNT XII: ALTER EGO

94. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

95. Pleading further and in the alternative if necessary, Plaintiffs allege that, upon information and belief, Ms. Kazuko Curtain, individually is the alter ego of one or more of the other defendants. All corporate protection has been and should be lost by these Defendants.

COUNT XIII: REFUSAL TO PRODUCE MEDICAL RECORDS

96. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

97. On June 15, 2009, Plaintiff Ron Stemp sent Defendant Care Clinics a written request for his medical and billing records. Follow up letters were sent on June 18, 2009 and June 23, 2009.

98. To date, Defendant Care Clinics has refused to produce the requested records in violation of Tex. Occ. Code § 159.006.

99. Plaintiffs seek damages for Defendant's refusal to turn over Plaintiff's medical and billing records and willful violation of this statute in an amount to be established at trial.

COUNT XIV: DAMAGES

100. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

101. As a result of Defendants' actions as described herein, Ron Stemp has suffered damages including: physical pain and suffering; mental anguish sustained in the past; mental anguish that, in reasonable probability, Ron Stemp will sustain in the future; lost wages in the past; loss of earning capacity that, in reasonable probability, Ron Stemp will sustain in the future; medical expenses incurred in the past; and medical care and expenses that, in reasonable probability, Ron Stemp will sustain in the future. In addition, Carrie Stemp has sustained loss of consortium damages. As set forth herein, Plaintiffs have suffered additional damages and seek recovery for same from Defendants, jointly and severally.

102. Plaintiffs further request recovery of pre-judgment interest and post-judgment interest at the statutory rate or at such other rate as is set by this Court.

103. Pleading further, and alternatively, if necessary, Defendants are guilty of misconduct which was committed knowingly, intentionally, maliciously, wantonly, fraudulently, and in reckless and callous disregard of the legitimate rights of the Plaintiffs so far as to justify the imposition of exemplary damages. Plaintiffs seek recovery of such exemplary damages from Defendants.

COUNT XV: ATTORNEYS FEES

104. Defendants' conduct as described herein and the resulting damage and loss to Plaintiffs has necessitated Plaintiffs' retention of the attorneys whose names are subscribed below. Plaintiffs are, therefore, entitled to recover from Defendants an additional sum to compensate Plaintiffs for a reasonable fee for such attorneys' necessary services in the preparation and prosecution of this action, as well as reasonable fee for any and all necessary appeals to other courts.

JURY DEMAND

94. Plaintiff hereby respectfully demands a trial by jury.

REQUEST FOR DISCLOSURE Pursuant to Texas Rules of Civil Procedure 194, you are hereby requested to disclose within fifty days after date of service of this Request, the information and the material described in Rule 194.2(a) through (i). More specifically, you are requested to disclose:

- (a) The correct names of the parties to the lawsuit;
- (b) The name, address and telephone number of any potential parties;
- (c) Legal theories and in general the factual basis of Defendants' claims or defenses;
- (d) The amount of any method of calculating economic damages (for Plaintiff and Defendants) ;
- (e) The name, address and telephone number of persons having knowledge of relevant facts and a brief statement of each identified person's connection with the case;
- (f) For any testifying expert:
 - (1) the expert's name, address and telephone number;
 - (2) the subject matter on which the expert will testify;
 - (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or, if the expert is not retained by, employed, or otherwise subject to the control of the responding party, documents reflecting such information;
 - (4) if the expert is retained by, employed, or otherwise subject to the control of the responding party:
 - (A) all documents, tangible things, reports, models or data compilations that have been provided to, reviewed or for the expert in anticipation of the expert's testimony; and
 - (B) the expert's current resume and bibliography.
- (g) Any discoverable indemnity and insuring agreements;
- (h) Any discoverable settlement agreements relating to this case; and
- (i) Any discoverable witness statements.

PRAYER AND REQUEST FOR RELIEF

96. For the foregoing reasons, Plaintiffs request that upon final trial or other disposition of this lawsuit, Plaintiffs have and recover judgment against Defendants jointly and severally for the following:

- (a) all damages requested;
- (b) reasonable and necessary attorney's fees;

- (c) pre-judgment and post-judgment interest as provided by law;
- (d) costs of court;
- (e) exemplary damages; and
- (f) such other and further relief, at law or in equity, to which Plaintiffs are justly entitled.

Respectfully submitted,

HOWRY BREEN, L.L.P.

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