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10 Attorneys for Plaintiff Jennifer Botelho, d/b/a
11 Chiropractic Center of Los Angeles, and the Class

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

15 **JENNIFER BOTELHO d/b/a**
CHIROPRACTIC CENTER OF
16 **LOS ANGELES**, individually and on
behalf of all others similarly situated,

17 Plaintiff,

18 v.

19 **TECHNOLOGICAL MEDICAL**
20 **ADVANCEMENTS L.L.C.**, a Florida
limited liability company,

21 Defendant.

Case No. 2:16-cv-8085

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

23
24 Plaintiff Jennifer Botelho, d/b/a Chiropractic Center of Los Angeles
25 (“Chiropractic Center of Los Angeles” or “Plaintiff”), brings this Class Action
26 Complaint against Defendant Technological Medical Advancements L.L.C.
27 (“Technological Medical Advancements” or “Defendant”), to stop its practice of
28 sending unsolicited fax advertisements to consumers and businesses, and to obtain

1 redress for all persons or entities similarly injured by its conduct. Plaintiff
2 Chiropractic Center of Los Angeles, for its Class Action Complaint, alleges as
3 follows upon personal knowledge as to itself and its own acts and experiences, and,
4 as to all other matters, upon information and belief, including investigation
5 conducted by its attorneys.

6 **PARTIES**

7 1. Plaintiff Jennifer Botelho, d/b/a Chiropractic Center of Los Angeles, is
8 a sole proprietorship. Chiropractic Center of Los Angeles' principal place of
9 business is in Los Angeles, California.

10 2. Defendant Technological Medical Advancements L.L.C. is a limited
11 liability company incorporated and existing under the laws of the State of Florida,
12 with a principal place of business at 3879 Byron Drive, Riviera Beach, Florida
13 33404. Technological Medical Advancements does business throughout the nation,
14 including in the State of California and in this District.

15 **JURISDICTION AND VENUE**

16 3. This Court has subject matter jurisdiction over this action pursuant to 28
17 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47
18 U.S.C. § 227 ("TCPA"), which is a federal statute.

19 4. The Court has personal jurisdiction over Defendant and venue is proper
20 in this District because Defendant regularly conducts business in the State of
21 California and in this District.¹

22 5. Venue is proper in this District under 28 U.S.C. § 1391(b) because
23 Defendant conducts significant amounts of business transactions within this District
24

25 ¹ See, e.g. <http://www.prweb.com/releases/2015/07/prweb12829203.htm> ("Technological Medical
26 Advancements, LLC (TMA) will hold a physician educational seminar at the Olympic Conference
27 Center in Los Angeles."); <http://www.tmainternational.com/store-locator> (Defendant's website,
28 listing multiple locations within this District); <https://www.linkedin.com/jobs/view/180223037>
("We are seeking independent contractor medical device sales representatives to sell a leading edge
medical laser device for pain management, wound healing and surgery." – position is based in Los
Angeles, within this District.)

1 and because the wrongful conduct giving rise to this case occurred in, was directed
2 to, and/or emanated from this District. Venue is additionally proper because
3 Plaintiff resides in this District.

4 **COMMON ALLEGATIONS OF FACT**

5 6. This case challenges Defendant’s practice of sending unsolicited fax
6 advertisements.

7 7. Defendant sells a Class IV high power medical laser under the trade
8 name “Diowave.”² The Diowave laser is marketed as providing drug free pain relief
9 and is marketed primarily to medical professionals and doctors’ offices. The
10 Diowave laser ranges in price from \$14,999 to \$49,999.³

11 8. To market the Diowave laser to potential clients including doctors’
12 offices, Defendant sends out unsolicited faxes that advertise the existence of
13 Defendant and its Diowave lasers through seminars where Defendant purports to
14 teach medical professionals about Defendant’s Diowave lasers so that doctors will
15 purchase and/or lease them from Defendant.⁴ While Defendant’s fax advertisements
16 may state that there is no fee to attend Defendant’s seminars, the majority of the
17 presentation revolves around the benefits of their Diowave Laser System and how
18 doctors who purchase or lease the Diowave equipment from Defendant can increase
19 their revenue. All of these factors combine to convince the seminar attendee to
20 purchase or lease the Diowave laser.

21 9. In fact, Defendant’s CEO stated in a press release that “These seminars
22 are designed to teach doctors how to get better outcomes both clinically and
23 financially by incorporating Diowave’s Class IV High Power Lasers into their
24
25

26 _____
27 ² See <http://www.diowavelaser.com/>

28 ³ www.diowavelaser.com/_literature_182213/2015_Laser_Price_List

⁴ *Id.*

1 practices.”⁵ As such, recipients of the faxes are encouraged to buy Diowave lasers at
2 or following Defendant’s seminars.

3 10. Also according to Diowave’s CEO, his company will provide to any
4 seminar attendee “travel reimbursement up to \$1,000 for those who *purchase* a
5 Diowave laser.”⁶ (Emphasis added.) As such, the main purpose of Defendant’s
6 faxes and seminars is to introduce Defendant and its product to potential customers
7 and solicit them to purchase or lease Defendant’s Diowave laser products.

8 11. Unfortunately for recipients of the faxes, as part of its marketing efforts
9 Defendant sends unsolicited fax advertisements to invite them to its seminars so that
10 they, the fax recipients may ultimately and eventually purchase or lease Diowave
11 lasers.

12 12. The Telephone Consumer Protection Act of 1991, as amended by the
13 Junk Fax Prevention Act of 2005, 47 USC § 227 (“JFPA” or the “Act”), and the
14 regulations promulgated under the Act, prohibit a person or entity from faxing or
15 having an agent fax advertisements without the recipient’s prior express invitation or
16 permission. The JFPA provides a private right of action and provides statutory
17 damages of \$500 per violation.

18 13. Defendant sent a facsimile transmission of an unsolicited advertisement
19 to Plaintiff and the Class in violation of the JFPA, on July 6, 2016. (*See*
20 “Technological Medical Advancements Fax,” a true and correct copy of which is
21 attached hereto as Exhibit A.) The Technological Medical Advancements Fax
22 promotes the services and goods of Defendant by encouraging recipients to attend a
23 seminar that is designed to teach the attendees the benefits of Defendant’s product
24 and how purchasing or leasing the Diowave laser product and incorporating it in the
25 recipients’ medical practices will increase their revenue. Plaintiff is informed and
26 believes, and upon such information and belief avers, that Defendant has sent, and

27 _____
⁵ <http://www.prweb.com/releases/2015/07/prweb12829203.htm>

28 ⁶ *Id.*

1 continues to send, unsolicited advertisements via facsimile transmission in violation
2 of the JFPA to at least forty (40) other persons as well (and likely to hundreds, or
3 even thousands, of persons).

4 14. Unsolicited faxes cause concrete harm to their recipients. A junk fax
5 recipient loses the use of its fax machine, paper, and ink toner. An unsolicited fax
6 wastes the recipient's time that would have been spent on something else like
7 running the recipient's business. A junk fax also interferes with, invades, and
8 intrudes upon the recipient's privacy. Unsolicited faxes prevent fax machines from
9 receiving authorized faxes, prevent their use for authorized outgoing faxes, cause
10 undue wear and tear on the recipients' fax machines, and require additional time and
11 labor to attempt to discern the source and purpose of the unsolicited message. Such
12 faxes are annoying and are a hassle to deal with.

13 15. On behalf of itself and all others similarly situated, Plaintiff brings this
14 case as a class action asserting claims against Defendant under the JFPA.

15 16. Defendant's facsimile transmissions were and are being done in the
16 same or similar manner. That is, Defendant used the same equipment to send
17 facsimiles to Plaintiff as it used to send facsimiles to everyone else. And Defendant
18 received the exact same express invitation or permission from each class member
19 (which is none). As such, this action is based on the same legal theory for liability
20 under the JFPA. This action seeks relief expressly authorized by the JFPA:
21 (i) injunctive relief enjoining Defendant, its employees, agents, representatives,
22 contractors, affiliates, and all persons and entities acting in concert with them, from
23 sending unsolicited advertisements in violation of the JFPA; and (ii) an award of
24 statutory damages in the minimum amount of \$500 for each violation of the JFPA, to
25 have such damages trebled, as provided by § 227(b)(3) of the Act. Plaintiff requests
26 that such monies be paid into a common fund for the benefit of the Class.

27
28

FACTS SPECIFIC TO PLAINTIFF

CHIROPRACTIC CENTER OF LOS ANGELES

17. On or about July 6, 2016, Defendant transmitted by telephone facsimile machine a total of fourteen (14) unsolicited faxes to Plaintiff. Copies of the facsimiles are attached hereto as Group Exhibit A. The faxes were sent two-at-a-time, labelled as Page 1 and Page 2. Each fax is identical. The faxes were received by Plaintiff on:

- July 6, 2016 – 6:43 AM Page 1
- July 6, 2016 – 6:43 AM Page 2
- July 6, 2016 – 6:48 AM Page 1
- July 6, 2016 – 6:48 AM Page 2
- July 6, 2016 – 6:52 AM Page 1
- July 6, 2016 – 6:52 AM Page 2
- July 6, 2016 – 6:58 AM Page 1
- July 6, 2016 – 6:58 AM Page 2
- July 6, 2016 – 7:02 AM Page 1
- July 6, 2016 – 7:02 AM Page 2
- July 6, 2016 – 7:07 AM Page 1
- July 6, 2016 – 7:07 AM Page 2
- July 6, 2016 – 7:15 AM Page 1
- July 6, 2016 – 7:15 AM Page 2

18. Technological Medical Advancements knew about, profited by and received the benefits of marketing of its products and is a responsible party under the JFPA.

19. Defendant created or made the faxes set forth in Group Exhibit A, which Defendant knew or should have known advertises Defendant's goods or products (namely, laser based therapies for pain management), and Defendant

1 intended to and did in fact distribute the faxes to Plaintiff and the other members of
2 the Class.

3 20. Group Exhibit A is part of Defendant's work or operations to market
4 Defendant's goods which are performed by Defendant and/or on behalf of
5 Defendant. Therefore, Group Exhibit A constitutes material furnished in connection
6 with Defendant's work or operations.

7 21. Plaintiff had not invited or given permission to Defendant to send the
8 fax and had no prior relationship, business or otherwise, with Defendant.

9 22. On information and belief, Defendant faxed the same unsolicited
10 facsimile to Plaintiff and more than forty (40) other recipients (and potentially
11 hundreds of others) without first receiving the recipients' express permission or
12 invitation.

13 23. There is no reasonable means for Plaintiff (or any other class member)
14 to avoid receiving unauthorized faxes. Fax machines are left on and ready to
15 receive the urgent communications their owners actually desire to receive.

16 24. Defendant's facsimile did not display a proper opt-out notice as
17 required by 47 C.F.R. 64.1200 because, *inter alia*, it did not apprise recipients of
18 their legal ability to opt out, that they could opt out of all of their fax numbers, and
19 that failure to comply within thirty (30) days of a lawful opt out request is illegal.

20 **CLASS ACTION ALLEGATIONS**

21 25. In accordance with F. R. Civ. P. 23(b)(1), (b)(2) and (b)(3), Plaintiff
22 brings this class action pursuant to the JFPA, on behalf of the following class:

23 All persons in the United States who: (1) on or after four years prior to
24 the filing of this action, (2) were sent, by Defendant or on Defendant's
25 behalf, a telephone facsimile message substantially similar to the faxes
26 in Group Exhibit A, (3) from whom Defendant claims it obtained prior
27 express permission or invitation to send those faxes in the same manner
28

1 as Defendant claims it obtained prior express consent to fax the
2 Plaintiff, (4) using the same equipment that was used to transmit the
3 faxes in Group Exhibit A to the Plaintiff.

4 26. The following individuals are excluded from the Class: (1) any Judge
5 or Magistrate presiding over this action and members of their families;
6 (2) Defendant, Defendant's subsidiaries, parents, successors, predecessors, and any
7 entity in which Defendant or their parents have a controlling interest and their
8 current or former employees, officers and directors; (3) Plaintiff's attorneys;
9 (4) persons who properly execute and file a timely request for exclusion from the
10 class; (5) the legal representatives, successors or assigns of any such excluded
11 persons; and (6) persons whose claims against Defendant have been fully and
12 finally adjudicated and/or released. Plaintiff anticipates the need to amend the class
13 definition following appropriate discovery regarding the Defendant's manner of
14 obtaining prior express permission or invitation.

15 27. Class Size (F. R. Civ. P. 23(a)(1)): Plaintiff is informed and believes,
16 and upon such information and belief avers, that the number of persons and entities
17 of the Plaintiff Class is numerous and joinder of all members is impracticable.
18 Plaintiff is informed and believes, and upon such information and belief avers, that
19 the number of class members is in the hundreds and potentially in the thousands.

20 28. Commonality (F. R. Civ. P. 23(a)(2)): Common questions of law and
21 fact apply to the claims of all class members that are central to each class members'
22 claim. Common material questions of fact and law include, but are not limited to:

- 23 (a) Whether the Defendant sent an unsolicited fax advertisement;
24 (b) Whether the Defendant's fax advertised the commercial
25 availability of property, goods, or services and whether recipients were encouraged
26 to make any purchase at or following any seminar;
27 (c) Whether Defendant obtained prior express permission or
28 invitation from the recipients to send the faxes;

1 (d) Whether the Defendant had a prior business relationship with
2 Plaintiff or the class members;

3 (e) Whether the Defendant sent the faxed advertisements
4 knowingly;

5 (f) Whether the Defendant violated the provisions of 47 U.S.C.
6 § 227 and the regulations promulgated thereunder;

7 (g) Whether the faxes contained an “opt-out notice” that complies
8 with the requirements of 47 U.S.C. § 227(b)(1)(C)(iii), and the regulations
9 promulgated thereunder, and the effect of the failure to comply with such
10 requirements;

11 (h) Whether the Defendant should be enjoined from faxing
12 advertisements in the future;

13 (i) Whether the Plaintiff and the other members of the Class are
14 entitled to statutory damages; and

15 (j) Whether the Court should award treble damages.

16 29. Typicality (F. R. Civ. P. 23(a)(3)): Plaintiff’s claims are typical of the
17 claims of all class members. The Plaintiff received the fax sent by or on behalf of
18 the Defendant advertising goods and services of the Defendant during the Class
19 Period. The Plaintiff is making the same claims and seeking the same relief for
20 itself and all class members based upon the same federal statute. The Defendant has
21 acted the same or in a similar manner with respect to the Plaintiff and all the class
22 members.

23 30. Fair and Adequate Representation (F. R. Civ. P. 23(a)(4)): The
24 Plaintiff will fairly and adequately represent and protect the interests of the class. It
25 is interested in this matter, has no conflicts, and has retained experienced class
26 counsel to represent the class. Plaintiff is also committed to keeping itself apprised
27 of the litigation and to representing the Class Members’ interests.

28

1 31. Common Conduct (F. R. Civ. P. 23 (b)(2)): Class certification is
2 appropriate because the Defendant has acted and refused to act in the same or
3 similar manner with respect to all class members thereby making injunctive and
4 declaratory relief appropriate. The Plaintiff demands such relief as authorized by 47
5 U.S.C. § 227.

6 32. Predominance, Superiority, and Manageability (F. R. Civ. P. 23(b)(3)):
7 Common questions of law and fact predominate over any questions affecting only
8 individual members, and a class action is superior to other methods for the fair and
9 efficient adjudication of the controversy because:

10 (a) Proof of the claims of the Plaintiff will also prove the claims of
11 the Class without the need for separate or individualized proceedings;

12 (b) Evidence regarding defenses or any exceptions to liability that
13 the Defendant may assert and prove will come from the Defendant's records and
14 will not require individualized or separate inquiries or proceedings;

15 (c) The Defendant has acted and continues to act pursuant to
16 common policies or practices in the same or similar manner with respect to all class
17 members;

18 (d) The amount likely to be recovered by individual class members
19 does not support individual litigation. A class action will permit a large number of
20 relatively small claims involving virtually identical facts and legal issues to be
21 resolved efficiently in one (1) proceeding based upon common proofs. The
22 common questions cut to the heart of the case and predominate over any supposed
23 individualized issues; and

24 (e) This case is manageable and superior to maintain as a class
25 action in that:

26 i. The Defendant identified persons or entities to receive the
27 fax transmission, and Defendant's computer and business records will enable the
28 Plaintiff to readily identify class members and establish liability and damages;

1 products and why purchasing or leasing their product would ultimately help them
2 financially.

3 37. Plaintiff and the other class members never gave prior express consent,
4 invitation or permission to receive the faxes nor did any of the recipients have any
5 prior established business relationship with Defendant.

6 38. **Opt-Out Notice Requirements.** The JFPA strengthened the
7 prohibitions against the sending of unsolicited advertisements by requiring, in
8 § (b)(1)(C)(iii) of the Act, that senders of faxed advertisements place a clear and
9 conspicuous notice on the first page of the transmission that contains the following,
10 among other things (hereinafter collectively, the “Opt-Out Notice Requirements”):

11 a. a statement that the recipient is entitled to opt-out of receiving
12 future faxed advertisements – knowing that he or she has the right to request an opt-
13 out gives impetus for recipients to make such a request, if desired;

14 b. a statement that the sender must honor a recipient’s opt-out
15 request within thirty (30) days and the sender’s failure to do so is unlawful –
16 thereby encouraging recipients to opt-out, if they do not want future faxes, by
17 advising them that their opt-out requests will have legal “teeth”;

18 c. a statement advising the recipient that he or she may opt-out
19 with respect to all of his or her facsimile telephone numbers, and not just with
20 respect to the number or numbers at which fax advertisements have been received
21 from the sender – thereby instructing a recipient on how to make a valid opt-out
22 request for all of his or her fax machines.

23 The requirement of (a) above is incorporated from § (b)(2)(D)(ii) of the Act.
24 The requirement of (b) above is incorporated from § (b)(2)(D)(ii) of the Act and the
25 rules and regulations of the Federal Communications Commission (the “FCC”) in
26 ¶ 31 of its 2006 Report and Order (In the Matter of Rules and Regulations
27 Implementing the Telephone Consumer Protection Act, Junk Prevention Act of
28 2005, 21 F.C.C.R. 3787, 2006 WL 901720, which rules and regulations took effect

1 on August 1, 2006). The requirements of (c) above are contained in § (b)(2)(E) of
2 the Act and incorporated into the Opt-Out Notice Requirements via § (b)(2)(D)(ii).
3 Compliance with the Opt-Out Notice Requirements is neither difficult nor costly.
4 The Opt-Out Notice Requirements are important consumer protections bestowed by
5 Congress upon the owners of fax machines giving them the right, and means, to stop
6 unwanted faxed advertisements. As a result of such requirements, a sender of a
7 faxed advertisement who fails to comply with the Opt-Out Notice Requirements
8 has, by definition, transmitted an unsolicited advertisement under the JFPA. This is
9 because such a sender can neither claim that the recipients of the faxes
10 advertisement gave “prior express permission or invitation” to receive the faxes nor
11 can the sender claim the exemption from liability contained in § (b)(1)(C) of the
12 Act.

13 39. **The Fax.** Defendant sent the July 6, 2016 fax via facsimile
14 transmission from telephone facsimile machines, computers, or other devices to the
15 telephone facsimile machines of Plaintiff and members of the Class. The Faxes set
16 forth in Group Exhibit A constitute advertisements under the Act. Defendant failed
17 to comply with the Opt-Out Requirements. The faxes fail to apprise recipients of
18 their ability to opt out, that a failure to comply with an opt-out request within thirty
19 (30) days is unlawful, or that the recipient can opt out of having all of their fax
20 numbers faxed by Defendant. Indeed, the faxes fail to provide any information
21 regarding opting out or a means to opt out. The Faxes were transmitted to persons
22 or entities without their prior express permission or invitation and/or Defendant is
23 precluded from asserting any prior express permission or invitation because of the
24 failure to comply with the Opt-Out Notice Requirements. Defendant violated the
25 JFPA and the regulations promulgated thereunder by sending the faxes via facsimile
26 transmission to Plaintiff and members of the Class.

27 40. **Defendant’s Other Violations of the TCPA.** Plaintiff is informed
28 and believes, and upon such information and belief avers, that during the period

1 preceding four (4) years of the filing of this Complaint and repeatedly thereafter,
2 Defendant has sent via facsimile transmission from telephone facsimile machines,
3 computers, or other devices to telephone facsimile machines of members of the
4 Plaintiff Class faxes that constitute advertisements under the JFPA that were
5 transmitted to persons or entities without their prior express permission or invitation
6 (and/or that Defendant is precluded from asserting any prior express permission or
7 invitation because of the failure to comply with the Opt-Out Notice Requirements in
8 connection with such transmissions). Defendant violated the JFPA and the
9 regulations promulgated thereunder. Plaintiff is informed and believes, and upon
10 such information and belief avers, that Defendant is continuing to send unsolicited
11 advertisements via facsimile transmission in violation of the JFPA and the
12 regulations promulgated thereunder, and absent intervention by this Court, will do
13 so in the future.

14 41. The TCPA/JFPA provides a private right of action to bring this action
15 on behalf of Plaintiff and the Plaintiff Class to redress Defendant's violations of the
16 Act, and provides for statutory damages. (47 U.S.C. § 227(b)(3).) The Act also
17 provides that injunctive relief is appropriate. *Id.*

18 42. The JFPA is a strict liability statute. The Defendant is liable to the
19 Plaintiff and the other class members even if it did not intend to send the faxes or to
20 send them without first obtaining prior express invitation or permission.

21 43. Nevertheless, Defendant knew or should have known that (a) the
22 Plaintiff and the other class members had not given express invitation or permission
23 for the Defendant or anybody else to fax advertisements about the Defendant's
24 goods or services; (b) the faxes constituted an advertisement; and (c) the faxes did
25 not apprise recipients of their opt out rights, the manner for opting out, the
26 consequences of opting out, or other required opt-out information.

27 44. The Defendant's actions caused damages to the Plaintiff and the other
28 class members. Receiving the Defendant's junk faxes caused the recipients to lose

1 paper and toner consumed in the printing of the Defendant's faxes. Moreover, the
2 Defendant's faxes used the Plaintiff's fax machine. The Defendant's faxes cost the
3 Plaintiff time, as the Plaintiff and its employees wasted their time receiving,
4 reviewing and routing the Defendant's unauthorized faxes. That time otherwise
5 would have been spent on the Plaintiff's business activities. The Defendant's faxes
6 unlawfully invaded the Plaintiff's and other Class Members' privacy interests in
7 being left alone and were annoying. Finally, the injury and property damage
8 sustained by Plaintiff and the other class members from the sending of Defendant's
9 advertisements occurred outside of Defendant's premises.

10 45. As a result of Defendant's conduct, Plaintiff and the other members of
11 the Class are each entitled to, under section 227(b)(3)(B), a minimum of \$500.00 in
12 damages for each violation of such act.

13 46. Furthermore, in the event the Court finds that Defendant's conduct was
14 willful and knowing, the Court should, under section 227(b)(3)(C), treble the
15 amount of statutory damages recoverable by Plaintiff and the other members of the
16 Class.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff Chiropractic Center of Los Angeles, on behalf of
19 itself and the class, prays for the following relief:

20 1. An order certifying this case as a class action on behalf of the Class as
21 defined above; appointing Chiropractic Center of Los Angeles as the representative
22 of the Class and appointing its attorneys as Class Counsel;

23 2. An award of actual monetary loss from such violations or the sum of
24 five hundred dollars (\$500.00) for each violation, whichever is greater, to be trebled
25 in the event Defendant is found to have acted willfully, and to be paid into a
26 common fund for the benefit of the class members;

27 3. An order declaring that Defendant's faxes constitute unsolicited
28 advertisements, that they lack the required opt out language, and that Defendant sent

1 the faxes without first obtaining prior express invitation, permission or consent of
2 the recipients, and enjoining Defendant from further violations, and otherwise
3 protecting the interests of the Class;

4 4. An award of pre-judgment interest;

5 5. An award of reasonable attorneys' fees and costs to be paid from the
6 common fund prayed for above; and

7 6. Such further and other relief the Court deems reasonable and just.
8
9

10 Dated: October 31, 2016

THE GIMINO LAW OFFICE, APC

11
12 By: /s/ Peter J. Gimino III
Peter J. Gimino III

13
14 WOODROW & PELUSO, LLC

15 Attorneys for Plaintiff Jennifer Botelho, d/b/a
16 Chiropractic Center of Los Angeles, and the
Putative Class

17
18 **JURY DEMAND**

19 Plaintiff requests a trial by jury of all claims that can be so tried.
20

21 Dated: October 31, 2016

THE GIMINO LAW OFFICE, APC

22
23 By: /s/ Peter J. Gimino III
Peter J. Gimino III

24
25 WOODROW & PELUSO, LLC

26 Attorneys for Plaintiff Jennifer Botelho, d/b/a
27 Chiropractic Center of Los Angeles, and the
Putative Class
28

GROUP
EXHIBIT A



Introducing a New Concept in PRIVATE PAY MEDICINE

Class IV High Power-High Dose Laser Therapy: A New Non-Pharmacologic Option for Pain Management

INVITATION TO:

Discover how High Power-High Dose Laser Therapy (HPLT-HDLT) is increasing medical and financial outcomes in today's world of declining insurance reimbursements. Practices looking to enhance bottom line revenues regardless of medical discipline should attend this informative seminar. We will demonstrate how to not only outperform traditional insurance based therapies for pain management, but just as important, dramatically increase your bottom line. We will teach you how to break away from the addiction to insurance based medicine by offering your patients outcomes never before seen in traditional pain care. Our laser therapy systems can passively be integrated into any medical practice regardless of discipline.

The management of acute and chronic pain and inflammation is one of the most commonly encountered in medical practice. Current treatment modalities, most often utilize pharmaceuticals with the potential for side effects, dependence and abuse. Most practitioners as well as patients continue to seek safer alternatives.

High-dose laser therapy (HDLT) is a non-invasive, pain and side effect free modality that stimulates cell metabolism and tissue regeneration ultimately relieving pain by healing pathologic tissues. This program will discuss high-dose laser therapy for the treatment of both acute and chronic pain conditions.

Participants will have the opportunity to have a hands-on experience with our High Power laser devices.

SEMINAR OUTLINE

- **Laser Bio-physics and Revenue Potential**
– Bruce R. Coren, DVM, MS, Chairman and CEO
- **Clinical Applications of HPLT-HDLT**
– Carlo Nicastro, MD, Clinical Liaison Specialist
- **Hands-on Laser Therapy Demonstration**
– How to treat acute and chronic pain



SATURDAY, JULY 9, 2016

8 am Continental Breakfast

9 am Presentation

ONTARIO AIRPORT HOTEL & CONFERENCE CENTER

700 N Haven Avenue, Ontario, CA 91764
Yosemite - Carson Room

RSVP to: Diowave Laser Systems

T: 866-862-6606

Email: info@diowavelaser.com

www.diowavelaser.com

No fee to attend



Revolutionizing Private Pay Pain Management

Introducing a New Concept in PRIVATE PAY MEDICINE

Class IV High Power-High Dose Laser Therapy: A New Non-Pharmacologic Option for Pain Management

INVITATION TO:

Discover how High Power-High Dose Laser Therapy (HPLT-HDLT) is increasing medical and financial outcomes in today's world of declining insurance reimbursements. Practices looking to enhance bottom line revenues regardless of medical discipline should attend this informative seminar. We will demonstrate how to not only outperform traditional insurance based therapies for pain management, but just as important, dramatically increase your bottom line. We will teach you how to break away from the addiction to insurance based medicine by offering your patients outcomes never before seen in traditional pain care. Our laser therapy systems can passively be integrated into any medical practice regardless of discipline.

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Participants will have the opportunity to have a hands-on experience with our High Power laser devices.

SEMINAR OUTLINE

- **Laser Bio-physics and Revenue Potential**
– Bruce R. Coren, DVM, MS, Chairman and CEO
- **Clinical Applications of HPLT-HDLT**
– Carlo Nicastro, MD, Clinical Liaison Specialist
- **Hands-on Laser Therapy Demonstration**
– How to treat acute and chronic pain



THURSDAY, JULY 7, 2016

6:30 pm Dinner

7:00 pm Presentation

**THE OLYMPIC COLLECTION
CONFERENCE CENTER**

11301 W. Olympic Blvd.
Los Angeles, CA 90064

RSVP to: Diowave Laser Systems

T: 866-862-6606

Email: info@diowavelaser.com

www.diowavelaser.com

No fee to attend



Introducing a New Concept in **PRIVATE PAY MEDICINE** Class IV High Power-High Dose Laser Therapy: A New Non-Pharmacologic Option for Pain Management

INVITATION TO:

Discover how High Power-High Dose Laser Therapy (HPLT-HDLT) is increasing medical and financial outcomes in today's world of declining insurance reimbursements. Practices looking to enhance bottom line revenues regardless of medical discipline should attend this informative seminar. We will demonstrate how to not only outperform traditional insurance based therapies for pain management, but just as important, dramatically increase your bottom line. We will teach you how to break away from the addiction to insurance based medicine by offering your patients outcomes never before seen in traditional pain care. Our laser therapy systems can passively be integrated into any medical practice regardless of discipline.

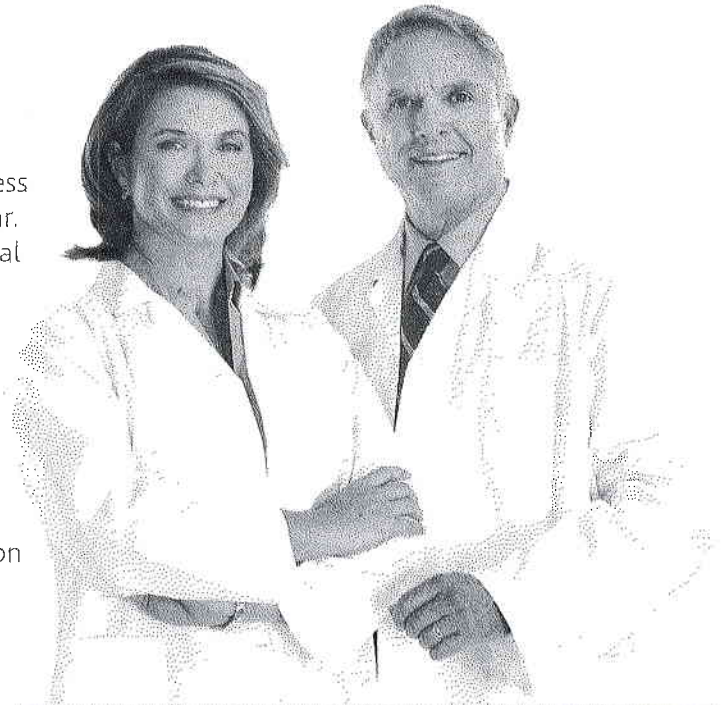
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– Bruce R. Coren, DVM, MS, Chairman and CEO
- **Clinical Applications of HPLT-HDLT**
– Carlo Nicastro, MD, Clinical Liaison Specialist
- **Hands-on Laser Therapy Demonstration**
– How to treat acute and chronic pain



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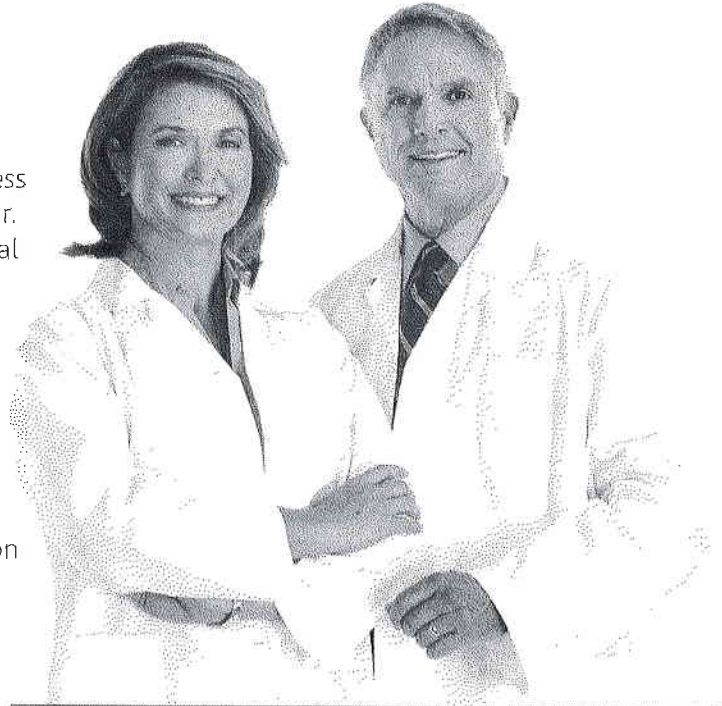
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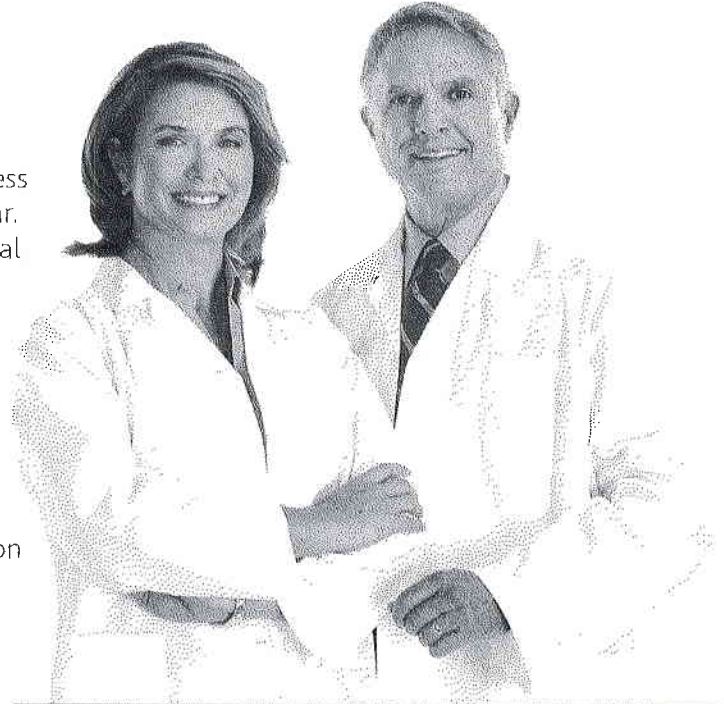
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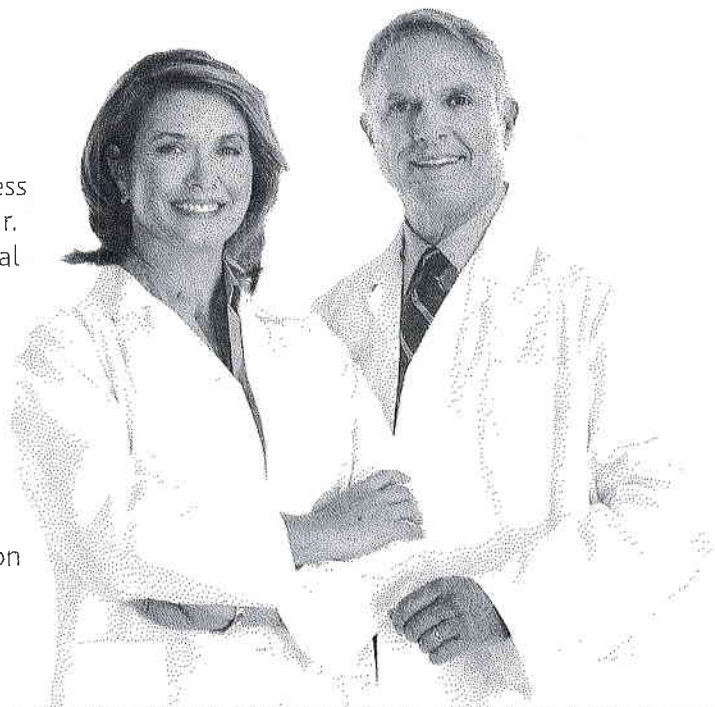
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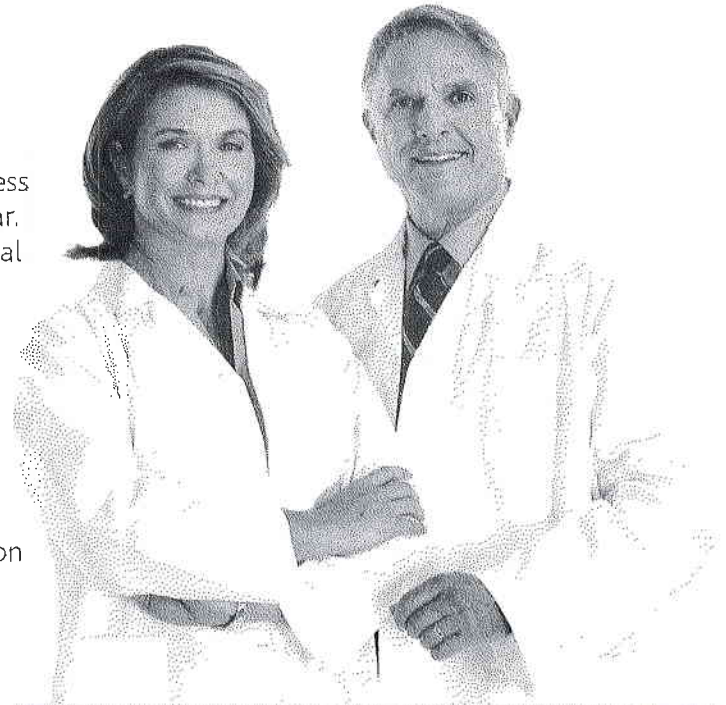
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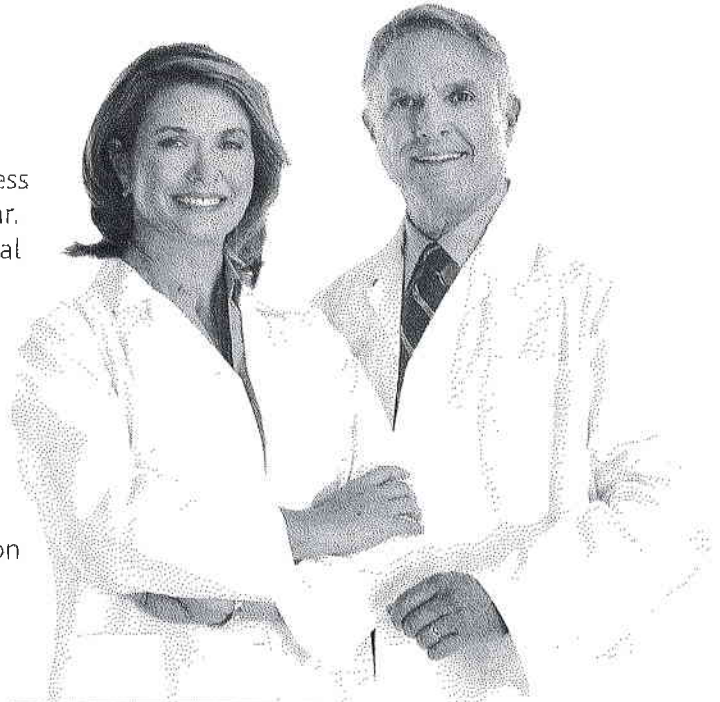
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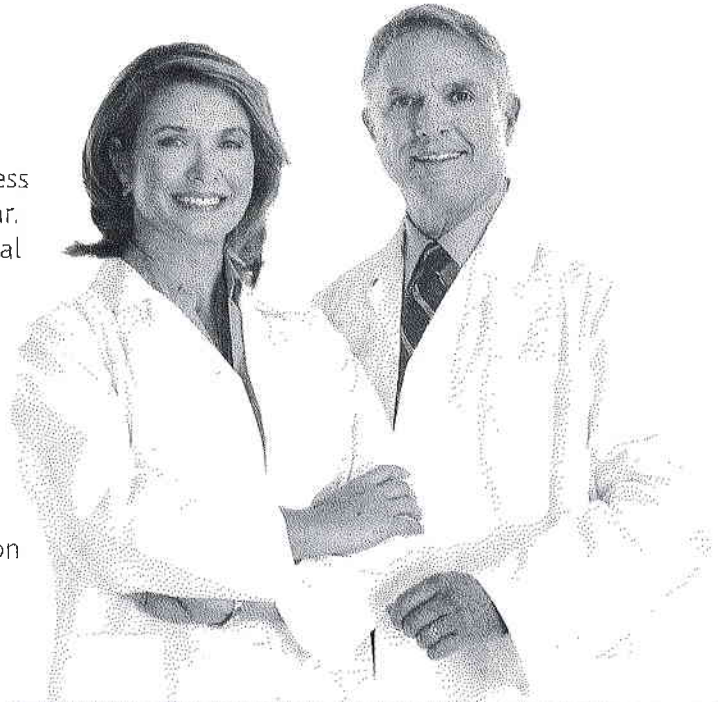
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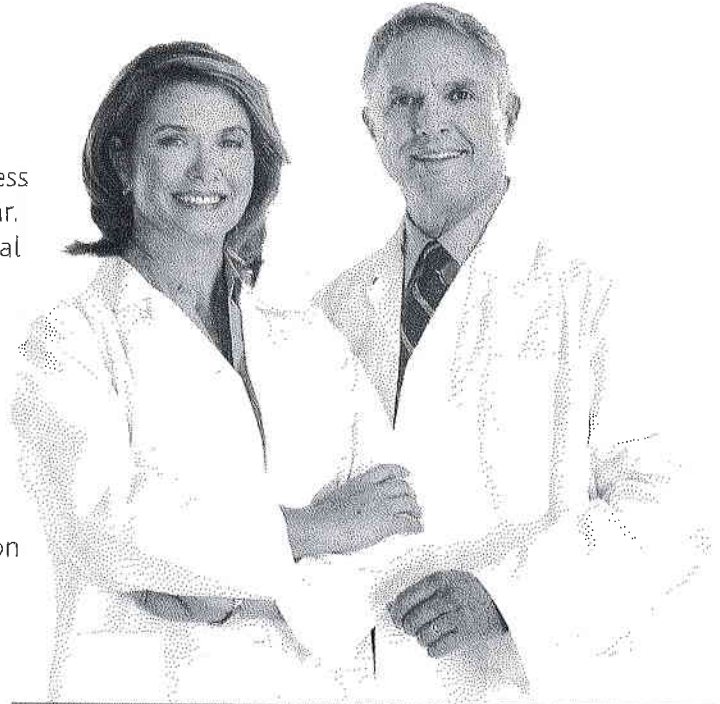
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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [TCPA Class Action Filed Against Technological Medical Advancements LLC](#)
