

**UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA**

NEW LEAF RECOVERY SERVICES, P.C., individually and on behalf of the class defined herein,	)	
	)	
	)	
Plaintiff,	)	CASE NO:
v.	)	
	)	
EHT PHARMACY, LLC, and SPECIALTY CARE RX LIMITED LIABILITY COMPANY, both doing business as CUREXA, and JOHN DOES 1-10,	)	
Defendants.	)	

**COMPLAINT – CLASS ACTION**

**INTRODUCTION**

1. Plaintiff New Leaf Recovery Services, P.C., brings this action to secure redress for the actions of defendants EHT Pharmacy, LLC, and Specialty Care RX Limited Liability Company, both doing business as Curexa, in sending or causing the sending of unsolicited advertisements to telephone facsimile machines in violation of the Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”).

2. The TCPA expressly prohibits unsolicited fax advertising. Unsolicited fax advertising damages the recipients. The recipient is deprived of its paper and ink or toner and the use of its fax machine. The recipient also wastes valuable time it would have spent on something else. Unsolicited faxes prevent fax machines from receiving and sending authorized faxes, cause wear and tear on fax machines, and require labor to attempt to identify the source and purpose of the unsolicited faxes.

**PARTIES**

3. Plaintiff New Leaf Recovery Services, P.C., is a professional corporation with offices at 90 Chamber Plaza, Charleroi, Pennsylvania 15022.

4. Defendant EHT Pharmacy, LLC, is a limited liability company organized under New Jersey law with offices at 3007 Ocean Heights Avenue, Egg Harbor Township, NJ 08234-7749. Its registered agents and offices include National Registered Agents, 208 S. LaSalle Street, Suite 814, Chicago, IL 60604,

5. Defendant Specialty Care RX Limited Liability Company, is a limited liability company organized under Illinois law with offices at 5310 N. Sheridan Road, Chicago, IL 60640. Its registered agents and offices include MS Registered Agent Services Inc., 191 N. Wacker Dr., Suite 1800, Chicago, IL 60606.

6. Defendants are under common ownership and control. The members of Specialty Care RX Limited Liability Company are Keith Hartman, Jay Greco, and Mark Taylor. The members of EHT Pharmacy, LLC, are Keith Hartman, Jay Greco, and Mark Taylor.

7. Both EHT Pharmacy, LLC and Specialty Care RX Limited Liability Company, do business as “Curexa” or “Curexa Pharmacy,” without distinction as to which entity is involved. See Exhibit B, where the offices of both are listed as offices of “Curexa.”

8. As a result, both EHT Pharmacy, LLC and Specialty Care RX Limited Liability Company are liable for actions taken under the name of “Curexa.”

9. Defendants John Does 1-10 are other natural or artificial persons that were involved in the sending of the facsimile advertisements described below. Plaintiff does not know who they are.

**JURISDICTION AND VENUE**

10. This Court has jurisdiction under 28 U.S.C. §1331. *Mims v. Arrow Financial Services, LLC*, 132 S. Ct. 740, 751-53 (2012); *Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446 (7<sup>th</sup> Cir. 2005).

11. Personal jurisdiction exists because defendants have committed tortious acts in Pennsylvania by causing the transmission of unlawful communications into the state.

12. Venue in this District is proper for the same reason.

**FACTS**

13. On or about December 27, 2016, New Leaf Recovery Services, P.C., received the unsolicited fax advertisement attached as Exhibit A on its facsimile machine, from “Curexa.”

14. Discovery may reveal the transmission of additional faxes as well.

15. Defendants are responsible for sending or causing the sending of the fax.

16. Defendants, as the persons whose products or services were advertised in the fax, derived economic benefit from the sending of the fax.

17. Defendants either negligently or wilfully violated the rights of plaintiff and other recipients in sending the fax.

18. Plaintiff had no prior relationship with defendant and had not authorized the sending of fax advertisements to plaintiff.

19. On information and belief, no patient authorized the sending of fax advertisement to plaintiff.

20. The fax was sent to plaintiff in an effort to advance the sale of defendant’s products or services.

21. Plaintiff had no prior relationship with defendants and had not authorized the

sending of fax advertisements to plaintiff.

22. The fax did not contain an opt-out notice that complied with 47 U.S.C. §227.

23. On information and belief, the fax attached hereto was sent as part of a mass broadcasting of faxes.

24. On information and belief, defendants have transmitted similar unsolicited fax advertisements to at least 40 other persons in Pennsylvania.

25. There is no reasonable means for plaintiff or other recipients of defendants' unsolicited advertising faxes to avoid receiving illegal faxes. Fax machines must be left on and ready to receive the urgent communications authorized by their owners.

#### **COUNT I – TCPA**

26. Plaintiff incorporates ¶¶ 1-22.

27. The TCPA makes unlawful the “use of any telephone facsimile machine, computer or other device to send an unsolicited advertisement to a telephone facsimile machine ...” 47 U.S.C. §227(b)(1)(C).

28. The TCPA, 47 U.S.C. §227(b)(3), provides:

##### **Private right of action.**

**A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—**

**(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation,**

**(B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or**

**(C) both such actions.**

**If the Court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the subparagraph (B) of this paragraph.**

29. Plaintiff and each class member suffered damages as a result of receipt of the unsolicited faxes, in the form of paper and ink or toner consumed as a result. Furthermore, plaintiff's statutory right of privacy was invaded.

30. Plaintiff and each class member is entitled to statutory damages.

31. Defendants violated the TCPA even if their actions were only negligent.

32. Defendants should be enjoined from committing similar violations in the future.

### **CLASS ALLEGATIONS**

33. Pursuant to Fed.R.Civ.P. 23(a) and (b)(3), plaintiff brings this claim on behalf of a class, consisting of (a) all persons (b) who, on or after a date four years prior to the filing of this action (28 U.S.C. §1658), (c) were sent faxes from "Curexa" promoting goods or services for sale (d) and which did not contain an opt out notice as described in 47 U.S.C. §227.

34. The class is so numerous that joinder of all members is impractical. Plaintiff alleges on information and belief that there are more than 40 members of the class.

35. There are questions of law and fact common to the class that predominate over any questions affecting only individual class members. The predominant common questions include:

- a. Whether defendants engaged in a pattern of sending unsolicited fax advertisements;
- b. The manner in which defendants compiled or obtained the list of fax numbers;
- c. Whether defendants thereby violated the TCPA;

36. Plaintiff will fairly and adequately protect the interests of the class. Plaintiff has retained counsel experienced in handling class actions and claims involving unlawful business practices. Neither plaintiff nor plaintiff's counsel have any interests which might cause them not to vigorously pursue this action.

37. Plaintiff's claims are typical of the claims of the class members. All are based on the same factual and legal theories.

38. A class action is the superior method for the fair and efficient adjudication of this controversy. The interest of class members in individually controlling the prosecution of separate claims against defendants is small because it is not economically feasible to bring individual actions.

39. Several courts have certified class actions under the TCPA. *Holtzman v. Turza*, 08 C 2014, 2009 U.S. Dist. LEXIS 95620 (N.D.Ill., Oct. 14, 2009), *aff'd* in relevant part, 728 F.3d 682 (7<sup>th</sup> Cir. 2013); *Sadowski v. Med1 Online, LLC*, 07 C 2973, 2008 U.S. Dist. LEXIS 41766 (N.D.Ill., May 27, 2008); *CE Design Ltd. v Cy's Crabhouse North, Inc.*, 259 F.R.D. 135 (N.D.Ill. 2009); *Targin Sign Sys. v Preferred Chiropractic Ctr., Ltd.*, 679 F. Supp. 2d 894 (N.D.Ill. 2010); *Garrett v. Ragle Dental Lab, Inc.*, 10 C 1315, 2010 U.S. Dist. LEXIS 108339, 2010 WL 4074379 (N.D.Ill., Oct. 12, 2010); *Hinman v. M & M Rental Ctr.*, 545 F.Supp. 2d 802 (N.D.Ill. 2008); *Clearbrook v. Rooflifters, LLC*, 08 C 3276, 2010 U.S. Dist. LEXIS 72902 (N.D. Ill. July 20, 2010) (Cox, M.J.); *G.M. Sign, Inc. v. Group C Communs., Inc.*, 08 C 4521, 2010 U.S. Dist. LEXIS 17843 (N.D. Ill. Feb. 25, 2010); *Kavu, Inc. v. Omnipak Corp.*, 246 F.R.D. 642 (W.D.Wash. 2007); *Display South, Inc. v. Express Computer Supply, Inc.*, 961 So.2d 451, 455 (La. App. 1<sup>st</sup> Cir. 2007); *Display South, Inc. v. Graphics House Sports Promotions, Inc.*, 992 So. 2d 510 (La. App. 1<sup>st</sup> Cir. 2008); *Lampkin v. GGH, Inc.*, 146 P.3d 847 (Ok. App. 2006); *ESI*

*Ergonomic Solutions, LLC v. United Artists Theatre Circuit, Inc.*, 203 Ariz. (App.) 94, 50 P.3d 844 (2002); *Core Funding Group, LLC v. Young*, 792 N.E.2d 547 (Ind.App. 2003); *Critchfield Physical Therapy v. Taranto Group, Inc.*, 293 Kan. 285; 263 P.3d 767 (2011); *Karen S. Little, L.L.C. v. Drury Inns, Inc.*, 306 S.W.3d 577 (Mo. App. 2010).

40. Management of this class action is likely to present significantly fewer difficulties that those presented in many class actions, e.g. for securities fraud.

WHEREFORE, plaintiff requests that the Court enter judgment in favor of plaintiff and the class and against defendant for:

- a. Actual damages;
- b. Statutory damages;
- c. An injunction against the further transmission of unsolicited fax advertising;
- d. Costs of suit;
- e. An order certifying this action to be a proper class action pursuant to Federal Rule of Civil Procedure 23, establishing an appropriate Classes the Court deems appropriate, finding that plaintiff is a proper representative of the Class, and appointing the lawyers and law firms representing plaintiff as counsel for the Class;
- f. Such other or further relief as the Court deems just and proper.

Respectfully submitted,  
MORROW & ARTIM, P.C.

/s/ Clayton S. Morrow

Clayton S. Morrow  
Attorney for plaintiff and the class

Clayton S. Morrow  
MORROW & ARTIM, P.C.  
304 Ross Street, 7<sup>th</sup> Floor  
Pittsburgh, PA 15219  
Direct Line: (412) 209-0656  
[esm@ConsumerLaw365.com](mailto:esm@ConsumerLaw365.com)

pro hac vice admission to be applied for

Daniel A. Edelman  
Dulijaza (Julie) Clark  
EDELMAN, COMBS, LATTURNER  
& GOODWIN, L.L.C.  
20 S. Clark Street, Suite 1500  
Chicago, Illinois 60603  
(312) 739-4200  
(312) 419-0379 (FAX)



**NOTICE OF ASSIGNMENT**

Please be advised that all rights relating to attorney's fees have been assigned to counsel.

Respectfully submitted,

MORROW & ARTIM, P.C.

*/s/ Clayton S. Morrow* \_\_\_\_\_

Clayton S. Morrow

*Attorney for plaintiff and the class*

Clayton S. Morrow  
MORROW & ARTIM, P.C.  
304 Ross Street, 7<sup>th</sup> Floor  
Pittsburgh, PA 15219  
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[csm@ConsumerLaw365.com](mailto:csm@ConsumerLaw365.com)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

NEW LEAF RECOVERY SERVICES, P.C.

(b) County of Residence of First Listed Plaintiff Washington (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Clayton S. Morrow, Morrow & Artim, PC 304 Ross St., 7th Fl., Pittsburgh, PA 15219 412-209-0656

DEFENDANTS

EHT PHARMACY, LLC and SPECIALTY CARE RX LIMITED LIABILITY COMPANY both d/b/a CUREXA

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): TCPA 47 U.S.C. 227, et al. Brief description of cause: Violation of the TCPA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 01/23/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Clayton S. Morrow

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44AREVISED June, 2009  
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

**PART A**

This case belongs on the (  Erie  Johnstown  Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.

**PART B** (You are to check ONE of the following)

1.  This case is related to Number \_\_\_\_\_ . Short Caption \_\_\_\_\_
2.  This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

**CIVIL:** Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit  
**EMINENT DOMAIN:** Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.  
**HABEAS CORPUS & CIVIL RIGHTS:** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

**PART C**

I. CIVIL CATEGORY (Select the applicable category).

1.  Antitrust and Securities Act Cases
2.  Labor-Management Relations
3.  Habeas corpus
4.  Civil Rights
5.  Patent, Copyright, and Trademark
6.  Eminent Domain
7.  All other federal question cases
8.  All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9.  Insurance indemnity, contract and other diversity cases.
10.  Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

/s/ Clayton S. Morrow

Date: 01/23/2017

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH SHEETS MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

From: HUB67 .

Fax: (888) 418-1504

To: +18667540480

Fax: +18667540480

Page 2 of 3 27/12/2016 1:18 PM



, NJ

**FAX PRESCRIPTION WITH PATIENT DEMOGRAPHICS TO  
1-888-418-1504**

**TO: Dr. ROBERT BELLUSO**

**ATTN: ATTN: R. Belluso**

**FAX: (866) 754-0480**

**DATE: 12/27/2016**

**PATIENT:**

**DOB:**

**Redacted**

**Physician Instructions**

Your patient [Redacted] has expressed an interest in receiving products via our pharmacy and has authorized us to contact you to request this order on their behalf. After speaking with your patient, we have preselected the medication we suggest will help manage their symptoms.

**Please review the attached prescription, making sure to complete as follows**

- Review medication and indicate the numbers of refills
- Sign and date the prescription
- Attach patient demographics and insurance information, if available
- Fax completed prescription to 1-888-418-1504

Have a question? Our pharmacy customer care team is happy to answer any questions you may have and provide you with additional information about our services. We can be reached from Monday to Friday, 9 AM to 5 PM EST at 1-855-488-3633

**Confidential Protected Health Information Enclosed**

Protected Health Information (PHI) is personal and sensitive information related to a person's health care. It is being faxed to you after appropriate authorization from the patient or under circumstances that do not require patient authorization. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. Re-disclosure without additional patient consent or as permitted by law is prohibited. Unauthorized re-disclosure of failure to maintain confidentiality could subject you to penalties described in federal and state law.

**IMPORTANT WARNING:** This document is intended for the use of the person or entity to which it is addressed and may contain information that is privileged and confidential, the disclosure of which is governed by applicable law. If the reader of this document is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is Strictly Prohibited. If you have received this document in error, please notify the sender immediately and arrange for the return or destruction of these documents



**Prescription Authorization**  
Signature Required

**PLEASE FAX TO: (888) 418-1504**

PRESCRIPTION DATE: 12/27/2016

**A. PATIENT INFORMATION**

**B. PHYSICIAN INFORMATION**

DOB: **Redacted**

ROBERT BELLUSO  
200 CHAMBER PLZ

CHARLEROI, PA 15022  
NPI: 1912192568  
PHONE#: (724) 483-5482  
FAX#: (866) 754-0480

**C. Patient Requested Pain Management Medication. Please complete the following form:**

**Lidocaine 5% Pain Ointment**

Sig: Apply 1 gram to the affected area 4 times daily (QS to 88-day supply for a total of 354.44g)  
Please circle the amount of Refills: 1 2 3 Or \_\_\_ Refills per \_\_\_ Day Supply

**Diclofenac Sodium Solution 1.5%**

Sig: Apply 40 drops to affected areas up to 4 times daily (QS to 62-day supply for a total of 300ml)  
Please circle the amount of Refills: 1 2 3 Or \_\_\_ Refills per \_\_\_ Day Supply

Does the patient have any known drug allergies: Yes  No

If Yes, please indicate which allergies: \_\_\_\_\_

My Signature certifies that the prescribed product (s) above are medically necessary and that the medical records reflect this need.

Physician Signature: \_\_\_\_\_ Physician Name: ROBERT BELLUSO  
(Stamps Not Accepted)

Date: \_\_\_ / \_\_\_ / \_\_\_ Physician NPI: 1912192568

Substitutions are applicable if patient's insurance does not cover original prescribed medications. Supplies will be dispensed on the maximum quantity permitted by insurance for each cycle. By signing this prescription, prescriber is authorizing pharmacy to substitute as necessary a comparable cream formulation, patch, gel or kit. The information herein is for reference only and is not to be relied upon a making any representation as to the efficacy of any particular formulation. The sample formulations herein result from prescriptions previously ordered by professionals licensed to write prescriptions in their respective discipline. Nothing herein is intended to replace or influence the independent judgment of ANY licensed professional.

**PLEASE FAX TO: (888) 418-1504**

Phone 1.855.927.0390 Fax 1.855.927.0392

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SPECIALTY COMPOUNDING PROVIDERS PAYORS MANUFACTURERS

Home > About > CONTACT US

Enter Keyword

**Curexa™ Specialty and Compounding Rx Services**

3007 Ocean Heights Ave. Egg Harbor Township, NJ 08234 p. 855.927.0390 f. 855.927.0390

**Curexa™ Specialty Rx Services, Midwest Pharmacy**

5310 N. Sheridan Rd. Chicago, IL 60640 p. 773.769.6200 f. 773.769.6201

Please use the form below to contact us via email.

Your Name (required)

Your Email (required)

Subject

Your Message (required)

SEND

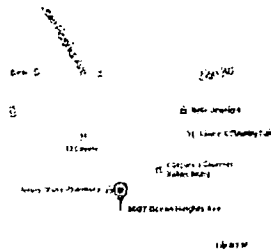
**AT A GLANCE**

- Specialty
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- > Quest For a Million Pennies
- > AC Press Article- Retired Military Dog Recognition
- > BHRT (Bio-Identical Hormone Replacement Therapy) Seminar
- > Dermatology: How Compounding is For YOU!

**LOCATION MAP**



**CONTACT INFO**

Egg Harbor Township, NJ  
Specialty and Compounding Pharmacy  
3007 Ocean Heights Avenue Egg  
Harbor Township, NJ 08234

Toll Free: 855.927.0390  
Toll Free Fax: 855.927.0392



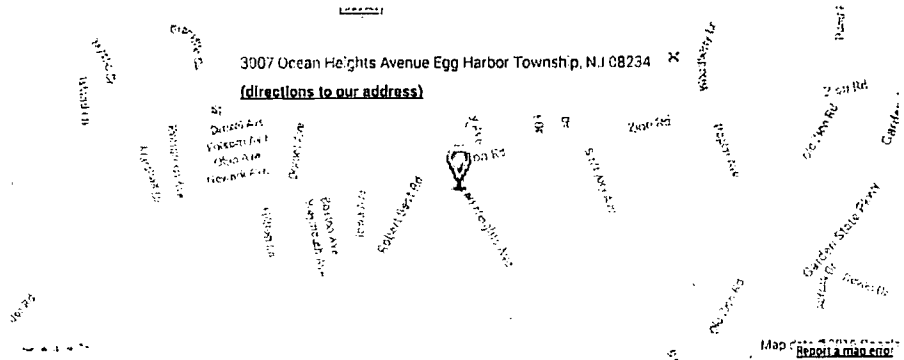


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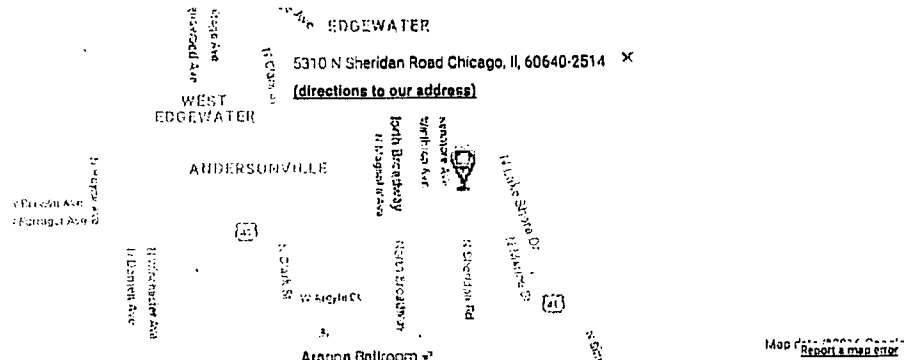
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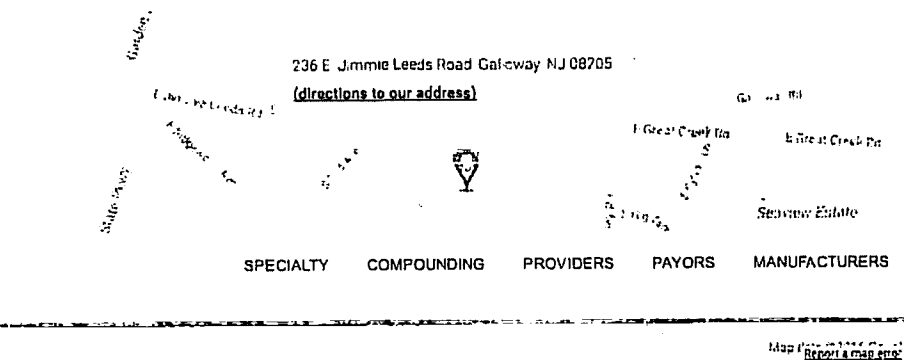
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**Curexa™ Specialty and Compounding Rx Services**  
 3007 Ocean Heights Ave. Egg Harbor Townsh p, NJ 08234 p. 855.927.0390 f. 855.927.0390



**Curexa™ Specialty Rx Services, Midwest Pharmacy**  
 5310 N. Sheridan Rd. Chicago, IL 60640 p. 773.769.6200 f. 773.769.6201



SPECIALTY    COMPOUNDING    PROVIDERS    PAYORS    MANUFACTURERS

AT A GLANCE

- Specialty
- Compounding
- Providers
- Payors

RECENT BLOG

- ▶ Mark Taylor receives the Independent Pharmacist of the Year Award
- ▶ Quest For a Million Pennies
- ▶ AC Press Article- Retired Military

LOCATION MAP

CONTACT INFO

**Egg Harbor Township, NJ**  
 Specialty and Compounding Pharmacy  
 3007 Ocean Heights Avenue Egg  
 Harbor Township, NJ 08234

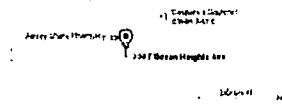


10/7/2016

Locations - Curexa™ Pharmacy

- Manufacturers
- About

- Dog Recognition
- > BHRT (Bio-Identical Hormone Replacement Therapy) Seminar
- > Dermatology: How Compounding is For YOU!



Toll Free: 855.927.0390  
 Toll Free Fax: 855.927.0392



ACCREDITED  
 Specialty Pharmacy  
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ACHP  
 7000 D...



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SPECIALTY    COMPOUNDING    PROVIDERS    PAYORS    MANUFACTURERS

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

NEW LEAF RECOVERY SERVICES, PC

Plaintiff(s)

v.

EHT PHARMACY, LLC and SPECIALTY CARE RX LIMITED LIABILITY COMPANY, both doing business as CUREXA and JOHN DOES 1-10,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) EHT Pharmacy, LLC c/o National Registered Agents 208 S. LaSalle Street, Suite 814 Chicago, IL 60604

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Clayton S. Morrow, Esquire Morrow & Artim, PC 304 Ross Street 7th Floor Pittsburgh, PA 15219

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

NEW LEAF RECOVERY SERVICES, PC

Plaintiff(s)

v.

EHT PHARMACY, LLC and SPECIALTY CARE RX LIMITED LIABILITY COMPANY, both doing business as CUREXA and JOHN DOES 1-10,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Specialty Care RX Limited Liability Company c/o MS Registered Agent Service Inc. 191 N. Wacker Drive, Suite 1800 Chicago, IL 60606

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Clayton S. Morrow, Esquire Morrow & Artim, PC 304 Ross Street 7th Floor Pittsburgh, PA 15219

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Says Curexa Violated TCPA with Junk Faxes \[Update\]](#)

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