

MILSTEIN, ADELMAN & KREGER, LLP
200 Riverfront Boulevard
Elmwood Park, New Jersey 07407
Telephone: (862) 200-5520
Facsimile: (862) 200-5521

**HARTMANN DOHERTY ROSA
BERMAN & BULBULIA, LLC**
65 Route 4 East, Suite 6
River Edge, New Jersey 07661
Telephone: (201) 441-9056
Facsimile: (201) 441-9435

Attorneys for Plaintiffs
Christina Collucci,
Scott Mahoney,
and the Proposed Class

CHRISTINA COLLUCCI and SCOTT
MAHONEY, in their individual capacities
and on behalf of all others similarly situated,

Plaintiff,

vs.

NUTREX RESEARCH, INC., a Florida
Corporation, JEFFREY A. MCCARRELL,
in his individual capacity, JENS O.
INGENOHL, in his individual capacity, and
DOES 1-10, inclusive,

Defendants.

RECEIVED and FILED
SUPERIOR COURT OF NEW JERSEY

JUN 10 2010

PASSAIC COUNTY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY

DOCKET NO. **L-2913-10**

**CLASS ACTION COMPLAINT FOR
INJUNCTIVE AND OTHER EQUITABLE
RELIEF, DEMAND FOR TRIAL BY JURY,
DESIGNATION OF TRIAL COUNSEL,
CERTIFICATION PURSUANT TO R. 4:5-1**

Plaintiffs Christina Collucci and Scott Mahoney, individually and on behalf of all others similarly situated (sometimes collectively referred to herein as "Plaintiffs"), hereby allege against Defendants Nutrex Research, Inc. ("Nutrex"), Jeffrey A. McCarrell ("McCarrell"), Jens O. Ingenohl ("Ingenohl") and Does 1-10 (sometimes collectively referred to herein as "Defendants" or "Nutrex") and state as follows:

NATURE OF THE ACTION AND FACTUAL BACKGROUND

1. This is a class action for injunctive and related equitable relief against Defendants to halt false and misleading advertising in violation of the New Jersey Consumer Fraud Act,

N.J.S.A. 56:8-1, et seq. (the "CFA"), the New Jersey Administrative Code, N.J.A.C. 8:21-1.2, and New Jersey common law.

2. Pursuant to N.J.S.A. 56:8-20, Plaintiffs have notified the New Jersey Attorney General of the pendency of this Action. See Exhibit "A" (letter to New Jersey Attorney General).

3. Nutrex is a marketing company that sells a variety of purported sports nutrition products to consumers. Nutrex's products include "Lipo-6 Hers," "Lipo-6 Black" and "Ignite" (sometimes collectively referred to herein as the "Products"). Nutrex claims the Products are "dietary supplements," meaning that they are "all natural" and do not include any pharmaceuticals or pharmaceutical ingredients. The label of each bottle Lipo-6 Hers, Lipo-6 Black and Ignite prominently states that each product is a "Dietary Supplement." See Exhibits "B" thru "D" (labels of Lipo-6 Hers, Lipo-6 Black and Ignite).

4. The Products are part of the "Diet/Thermogenics" category of sports nutritional supplements (one of many categories of products in the multi-billion dollar sports nutrition industry). Nutrex claims that the Products "burn fat" and allow people to lose weight by taking the Products. See Exhibit "E" thru "G" (Nutrex webpages promoting each of the products). Consumers supposedly experience the "fat burning" and weight loss as a result of the cocktail of "natural" stimulants and other ingredients in the Products. Id.

5. The Products' key ingredient is a substance listed on the Products' labels as "methylnephrine." See Exhibits "E" thru "G" ("Supplement Facts" sections of Lipo-6 Hers, Lipo-6 Black and Ignite labels). According to Nutrex, methylnephrine:

[A]ctivates β -3 adrenoreceptors and, therefore, displays a lipolytic and thermogenetic capacity as it boosts norepinephrine levels. By consuming methylnephrine prior to workouts, you enhance fat breakdown with its subsequent utilization for energy. Methylnephrine also improves attention and focus thus enhancing the mind-muscle connection which guarantees highly productive workouts. Methylnephrine has demonstrated its efficacy as an ephedra alternative for revving your metabolism **without altering heart rate or blood pressure.**

See Exhibit “G” (Nutrex webpage for Ignite) (emphasis added).

6. Methylsynephrine is not a “real” ingredient; rather, it is another name for a pharmaceutical, prescription drug called “Oxilofrine.” See Exhibit “H” (Sweetman SC. *The Complete Drug Reference (Martindale)* 2007. The Pharmaceutical Press: London; (ed.)).

7. Oxilofrine is a stimulant drug of the amphetamine class. It is a sympathomimetic that is used to treat low blood pressure. See Exhibit “H.” It is a drug originally manufactured by Sanofi-Aventis – one of the world’s largest pharmaceutical companies – under the brand name “Carnigen.” See Exhibit “I” (noting that Sanofi-Aventis manufactures Carnigen).

8. Oxilofrine is also used, in combination with other drugs, in antitussive therapy. See Exhibit “H.” In Canada, Oxilofrine is one of two pharmaceutical ingredients in the prescription, antitussive drug Cophylac. See Exhibit “J.”¹

9. Oxilofrine is a metabolite of *p*-methoxymethamphetamine. *p*-methoxymethamphetamine is also known as “PMMA.” PMMA is an illegal “designer drug” that is considered a banned substance in numerous countries. It has been responsible for deaths of numerous people.

10. Due to its effects, Oxilofrine is considered a performance-enhancing drug (“PED”) in the “sports world” and, as such, is classified as a “banned substance” by both the World Anti-Doping Agency (“WADA”) and the United States Anti-Doping Agency (“USADA”). See Exhibits “K” and “L” (relevant sections of WADA and USADA banned substances lists).

11. The ingredient “methylsynephrine” in the Products is actually the drug Oxilofrine. In fact, testing of the Products by gas chromatography-mass spectrometry (GC-MS) confirms that fact.

12. Nutrex is and has been aware that the “methylsynephrine” in the Products is actually the drug Oxilofrine. Indeed, the “methylsynephrine equals Oxilofrine” fact is common knowledge in the sports nutrition industry, given the suspension of numerous athletes who took

¹ Oxilofrine is also known as *p*-hydroxyephedrine.

purported “dietary supplements” containing methylsynephrine and then tested positive for the “banned substance Oxilofrine.” See, e.g., Exhibit “L” (USADA vs. Flavia Oliveira AAA Decision confirming that methylsynephrine is Oxilofrine).

13. Despite its knowledge that the Products contain a banned pharmaceutical substance, Nutrex continues to, among other things:

a. Falsely label and advertise the Products as “dietary supplements” that contain only natural ingredients;

b. Falsely and misleadingly label the product as containing “methylsynephrine,” instead of advising consumers that it actually contains Oxilofrine, a banned substance;

c. Falsely advertise that “methylsynephrine” does not affect consumers’ blood pressure when, in fact, it is a blood pressure drug;

d. Not warn consumers about the potential side effects of Oxilofrine; and,

e. Knowingly withhold material information from consumers, including the fact that the Products contain a substance banned by WADA and USADA.

14. Plaintiff Christina Collucci (“Collucci”) spent approximately \$40.00 for a bottle of Lipo-6 Hers at Vitamin Shoppe. She did so in reliance on Nutrex’s label claim that the product was a dietary supplement that contained no pharmaceutical drugs, was safe and effective, and had no adverse side effects like pharmaceutical drugs. That label claim is demonstrably false. She suffered ascertainable loss – the purchase price of Lipo-6 Hers – based upon Nutrex’s false and misleading statements.

15. Plaintiff Scott Mahoney (“Mahoney”) spent approximately \$40.00 for a bottle of Lipo-6 Black at General Nutrition Centers (“GNC”). He did so in reliance on Nutrex’s label claim that the product was a dietary supplement that contained no pharmaceutical drugs, was safe and effective, and had no adverse side effects like pharmaceutical drugs. That label claim is demonstrably false. He suffered ascertainable loss – the purchase price of Lipo-6 Black – based upon Nutrex’s false and misleading statements.

16. Mahoney also spent approximately \$30.00 for a bottle of Ignite at Vitamin Shoppe. He did so in reliance on Nutrex's label claim that the product was a dietary supplement that contained no pharmaceutical drugs, was safe and effective, and had no adverse side effects like pharmaceutical drugs. That label claim is demonstrably false. He suffered ascertainable loss – the purchase price of Ignite – based upon Nutrex's false and misleading statements.

17. In sum, Nutrex and its marketing practices are unconscionable. Plaintiffs, thus, bring this action to enjoin Nutrex from continuing to fraudulently and deceptively market the Products and prevent further injury to New Jersey consumers.

THE PARTIES

18. Plaintiff Christina Collucci is, and at all times relevant hereto was, an individual residing in the State of New Jersey. Collucci purchased Lipo-6 Hers in or about February 2010 from a Vitamin Shoppe retail store located at 1565 U.S. Route 46 East, Little Falls, New Jersey. In doing so, Collucci relied upon the Lipo-6 Hers product box and label, and, specifically, its claim that Lipo-6 Hers was a "dietary supplement." Collucci reasonably believed, based on the contents of the label, that Lipo-6 Hers was an all-natural dietary supplement that did not contain any pharmaceutical ingredients or pharmaceutical products, and thus, consistent with internet advertising viewed by Collucci, did not have any negative side effects. Collucci used Lipo-6 Hers in connection with her diet and exercise regimen.

19. Plaintiff Scott Mahoney is, and at all times relevant hereto was, an individual residing in the State of New Jersey. Mahoney purchased Lipo-6 Black in or about March 2010 from a General Nutrition Centers retail store located at 350 Ramapo Valley Road, Oakland, New Jersey. He also purchased Ignite in or about December 2009 from a Vitamin Shoppe retail store located at 1565 U.S. Route 46 East, Little Falls, New Jersey. In doing so, Mahoney relied upon the Lipo-6 Black and Ignite product boxes and labels, and, specifically, their claims that Lipo-6 Black and Ignite were "dietary supplements." Mahoney reasonably believed, based on the contents of the labels, that Lipo-6 Black and Ignite were all-natural dietary supplements that did not contain any pharmaceutical ingredients or pharmaceutical products, and thus, consistent with

internet advertising viewed by Mahoney, did not have any negative side effects. Mahoney used Lipo-6 Black and Ignite in connection with his diet and exercise regimen.

20. Plaintiffs are informed and believe that Defendant Nutrex is a corporation organized under the laws of the State of Florida with its principal place of business located at 5707 Dot Com Court, #1001, Oviedo, Florida. Nutrex is the owner and distributor of the Products, and is the company that created and/or authorized the false, misleading and deceptive packaging and advertisements for the Products.

21. Plaintiffs are informed and believe that Defendant Jeffrey A. McCarrell ("McCarrell") is an individual residing in the State of Florida, whose business address is 5707 Dot Com Court, #1001, Oviedo, Florida, and whose personal address is 1415 Brumley Road, Oviedo, Florida. McCarrell is the co-founder and President of Nutrex. Upon information and belief, McCarrell is the individual who formulated the Products and is responsible for placing the pharmaceutical ingredient Oxilofrine in the Products. McCarrell is and has been aware that the Products contain a pharmaceutical ingredient and is responsible for "hiding" that pharmaceutical ingredient from New Jersey consumers by failing to disclose its existence on the label and in the false advertising of the Products, as set forth herein.

22. Plaintiffs are informed and believe that Defendant Jens O. Ingenohl ("Ingenohl") is an individual residing in the State of Florida, whose business address is 5707 Dot Com Court, #1001, Oviedo, Florida, and whose personal address is 839 Mills Estate Place, Chuluota, Florida. Ingenohl is the co-founder and Vice-President of Nutrex. Upon information and belief, Ingenohl is the individual who formulated the Products and is responsible for placing the pharmaceutical ingredient Oxilofrine in the Products. Ingenohl is and has been aware that the Products contain a pharmaceutical ingredient and is responsible for "hiding" that pharmaceutical ingredient from New Jersey consumers by failing to disclose its existence on the label and in the false advertising of the Products, as set forth herein.

23. The true names and capacities, whether individual, corporate, associate or otherwise of certain manufacturers, distributors and/or their alter egos sued herein as DOES 1

through 10 inclusive are presently unknown to Plaintiffs who therefore sue these Defendants by fictitious names. Plaintiffs will seek leave of this Court to amend the Complaint to show their true names and capacities when the same have been ascertained. Plaintiffs are informed and believe and based thereon allege that DOES 1 through 10 were authorized to do and did business in New Jersey. Plaintiffs are further informed and believe and based thereon allege that DOES 1 through 10 were and/or are, in some manner or way, responsible for and liable to Plaintiffs for the events, happenings, and damages hereinafter set forth below.

24. Plaintiffs are informed and believe and based thereon allege that at all times relevant herein each of the Defendants was the agent, servant, employee, subsidiary, affiliate, partner, assignee, successor-in-interest, alter ego or other representative of each of the remaining Defendants and was acting in such capacity in doing the things herein complained of and alleged.

25. In committing the wrongful acts alleged herein, Defendants planned and participated in and furthered a common scheme by means of false, misleading, deceptive and fraudulent representations to induce members of the public to purchase the Products. Defendants participated in the making of such representations in that each did disseminate or cause to be disseminated said misrepresentations.

26. Defendants, upon becoming involved with the manufacture, advertising, and sale of the Products, knew or should have known that the claims about the Products were false, deceptive and misleading. Indeed, since the first time that the Products were advertised, Defendants, individually and/or collectively, have been aware that (i) their representations that the Products were "dietary supplements" that contained no pharmaceutical ingredients were false and (ii) the disclaimers, warnings and explanations about the product failed to contain material information relevant to New Jersey consumers (such as, for example, the fact that the product impacts blood pressure). In doing so, Defendants affirmatively (i) misrepresented the contents of the Products and (ii) withheld and misrepresented critical information about the Products, in order to convince the public to purchase and use the Products, resulting in profits to Defendants, all to the damage and detriment of the consuming public.

27. Thus, in addition to the wrongful conduct herein alleged as giving rise to primary liability, Defendants further aided and abetted and knowingly assisted each other in breach of their respective duties and obligations as herein alleged.

THE CLASSES

28. Plaintiffs bring this lawsuit on behalf of themselves and the proposed Class under New Jersey Court Rule 4:32-1.

29. The proposed Classes are defined as:

All persons residing in the State of New Jersey who purchased the Lipo-6 Hers dietary supplement for personal use and not for resale during the time period June 10, 2004 through the present. Excluded from the Class are Defendants' officers, directors, and employees, and any individual who received remuneration from the Defendants to act as an endorser of Lipo-6 Hers.

All persons residing in the State of New Jersey who purchased the Lipo-6 Black dietary supplement for personal use and not for resale during the time period June 10, 2004 through the present. Excluded from the Class are Defendants' officers, directors, and employees, and any individual who received remuneration from the Defendants to act as an endorser of Lipo-6 Black.

All persons residing in the State of New Jersey who purchased the Ignite dietary supplement for personal use and not for resale during the time period June 10, 2004 through the present. Excluded from the Class are Defendants' officers, directors, and employees, and any individual who received remuneration from the Defendants to act as an endorser of Ignite.

30. The Classes comprise thousands of consumers throughout New Jersey. The Classes are so numerous that joinder of all members of the Classes is impracticable. All of the dispositive questions of law and fact are common to the Classes. The common questions include:

- a. whether Defendants claimed on the Products' packaging, label, and advertising that the Products were "dietary supplements" that were all natural and did not contain any pharmaceutical ingredients;
- b. whether the Products do, in fact, contain the pharmaceutical ingredient Oxilofrine;

- c. whether Defendants failed to disclose to consumers that the Products contained a pharmaceutical ingredient banned by WADA and USADA;
- d. whether Defendants failed to disclose to consumers the side effects associated with taking the Products;
- e. whether the claims discussed above are untrue, or are misleading, or reasonably likely to deceive;
- f. whether Defendants' conduct is fraudulent and/or violates public policy;
- g. whether Defendants' conduct is an unlawful or an unconscionable commercial practice within the meaning of the CFA;
- h. whether the Products are mislabeled and in violation of N.J.A.C. 8:21-1.2;
- i. whether Defendants' knew or should have known that the representations were false;
- j. whether Defendants' knowingly concealed material facts for the purpose of inducing unwary consumers into spending money on the Products;
- k. whether Defendants should be enjoined from making the claims at issue; and,
- l. whether Plaintiffs and the Classes are entitled to restitution.

31. Plaintiffs' claims are typical of the proposed Classes (indeed, they are identical), and Plaintiffs will fairly and adequately represent and protect the interests of the proposed Classes. Plaintiffs do not have any interests which are antagonistic to those of the proposed Classes. Plaintiffs have retained counsel competent and experienced in the prosecution of this type of litigation. The questions of law and fact common to the members of the Classes, some of which are set out above, predominate over any questions affecting only individual Class members.

32. A class action is the superior method for the fair and just adjudication of this controversy. The expense and burden of individual suits makes it impossible and impracticable for members of the proposed Classes to prosecute their claims individually.

33. The trial and litigation of Plaintiffs' and the proposed Classes' claims are manageable.

34. Defendants have acted and refused to act on grounds generally applicable to the Classes, making appropriate final injunctive relief and declaratory relief with respect to the Classes as a whole.

35. Unless an injunction is issued, Defendants will continue to commit the violations alleged herein, and the members of the proposed Classes and the general public will continue to be misled and harmed by Defendants' conduct. Because of the small size of the individual Class members' claims, few, if any, will make claims.

36. If necessary, notice of this action may be affected to the proposed class through both publication and for certain class members, direct notice may be achieved through contact information from customer lists, which, on information and belief, are maintained by Defendants.

COUNT ONE

VIOLATION OF N.J.A.C. 8:21-1.2 AND THE CFA

(By Plaintiffs against Defendants)

37. Plaintiffs repeat and reallege the allegations set forth above, and incorporate the same as if set forth herein at length.

38. This cause of action is brought pursuant to the New Jersey Administrative Code, on behalf of the Classes defined in paragraph 29, above.

39. On the label of the Products, Defendants claim that the Products are "dietary supplements" that contain no pharmaceutical (but only natural) ingredients, as set forth above.

40. The Products do, in fact, contain a pharmaceutical ingredient – a prescription amphetamine, Oxilofrine.

41. The labels of the Products fail to disclose that (i) the Products contain a pharmaceutical ingredient, (ii) the Products contain Oxilofrine, (iii) Oxilofrine is banned by WADA and USADA and (iv) Oxilofrine is a medication that effects blood pressure. Each of

those omitted facts are material in light of other representations made and/or suggested on the label, including, without limitation, Nutrex's label claim that the products are "dietary supplements" containing only natural ingredients.

42. Defendants' failure to reveal those material facts on the labels of the Products is a violation of N.J.A.C. 8:21-1.2 and, as such, is a *per se* violation of the CFA.

43. Pursuant to the CFA, Plaintiffs and the members of the Class seek an order of this Court enjoining Defendants from continuing to violate N.J.A.C. 8:21-1.2 by, among other things, failing to reveal material facts about the Products (as set forth above). Likewise, Plaintiffs and the members of the Class seek an order requiring Defendants to disclose such material facts, and additionally request an order awarding Plaintiff restitution of the money wrongfully acquired by Defendants as a result of Defendants' unconscionable business practices.

44. Plaintiffs and the Class have suffered ascertainable loss and have lost money as a result of Defendants' false representations. Indeed, Plaintiffs purchased the Products because they were advertised as "dietary supplements" with no pharmaceutical ingredients. Plaintiffs would not have purchased the Products if they knew, among other things, that (i) the Products' contained a pharmaceutical ingredient, (ii) the Products were not all natural, (iii) the Products contained Oxilofrine, (iv) the Products contained an ingredient banned by WADA and USADA and (v) the potential side effects of Oxilofrine.

45. Plaintiffs' claims are common and typical of all class members. Indeed, the sole question for decision, in each and every class member's individual case, is whether Defendants' labeling of the Products violates N.J.A.C. 8:21-1.2 (and, as such, is a *per se* violation of the CFA).

COUNT TWO

VIOLATION OF THE CFA, N.J.S.A. 56:8-1, et seq.

(By Plaintiffs against Defendants)

46. Plaintiffs repeat and reallege the allegations set forth in the preceding paragraphs, and incorporates the same as if set forth herein at length.

47. This cause of action is brought pursuant to the CFA, on behalf of the Classes defined in paragraph 29, above.

48. As noted above, the labels of Defendants' Products fail to disclose material facts in violation of N.J.A.C. 8:21-1.2. Defendants failure to disclose material facts is a *per se* violation of the CFA.

49. Further, in their labeling and advertising of the Products, Defendants make false and misleading statements regarding the content, substance, benefit, efficacy and side effects of the Products as set forth above.

50. Defendants are aware that the claims that they make about the Products, including those set forth above, are false and misleading.

51. As alleged in the preceding paragraphs, the misrepresentations by Defendants of the material facts detailed above constitutes an unconscionable commercial practice, deception, fraud and/or knowing concealment, suppression and/or omission of material facts with the intent that others rely thereon, within the meaning of the CFA.

52. In addition, Defendants' use of various forms of advertising media to advertise, call attention to or give publicity to the sale of goods or merchandise which are not as represented constitutes an unconscionable commercial practice, deception, fraud and/or knowing concealment, suppression and/or omission of material facts with the intent that others rely thereon, within the meaning of the CFA.

53. Pursuant to the CFA, Plaintiffs and the members of the Class seek an order of this Court enjoining Defendants from continuing to violate the CFA by, among other things, failing to reveal material facts about the Products (as set forth above). Likewise, Plaintiffs and

the members of the Class seek an order requiring Defendants to disclose such material facts, and additionally request an order awarding Plaintiff restitution of the money wrongfully acquired by Defendants as a result of Defendants' unconscionable business practices.

54. Plaintiffs and the Class have suffered ascertainable loss and have lost money as a result of Defendants' false representations. Indeed, Plaintiffs purchased the Products because they were advertised as "dietary supplements" with no pharmaceutical ingredients. Plaintiffs would not have purchased the Products if they knew, among other things, that (i) the Products' contained a pharmaceutical ingredient, (ii) the Products were not all natural, (iii) the Products contained Oxilofrine, (iv) the Products contained an ingredient banned by WADA and USADA and (v) the potential side effects of Oxilofrine.

55. Plaintiffs' claims are common and typical of all class members.

COUNT THREE

FRAUD

(By Plaintiffs Against Defendants)

56. Plaintiffs repeat and reallege all the allegations of the previous paragraphs, and incorporates the same as if set forth herein at length.

57. This cause of action is brought pursuant to the CFA, on behalf of the Classes defined in paragraph 29, above.

58. Nutrex represented, in a single, consistent and uniform manner, that the Products were dietary supplements that contained no pharmaceuticals, had no side effects and contained no ingredients that were banned by various anti-doping agencies, including WADA and USADA, as set forth more specifically above.

59. Nutrex's statements about the Products are false.

60. Nutrex failed to conduct any testing on the Products and was aware that publically available information confirmed that methylsynephrine was, in fact, the prescription pharmaceutical drug Oxilofrine. Thus, Nutrex knew that the representations set forth herein

were false when such representations were made and/or made the representations recklessly and without regard for the truth.

61. Nutrex is a marketing company that designs labels and advertisements to target members of the Classes, including Plaintiffs. Nutrex made its representations about the Products with the intention that Plaintiff and the Classes would rely on said representations, including (without limitation) that the Products were all natural dietary supplements.

62. Plaintiffs and the Class reasonably relied upon Nutrex's false representations in purchasing the Products.

63. Plaintiffs and the Classes were harmed, as set forth specifically herein.

64. Plaintiffs' and the Class' reliance on Nutrex's representations were a substantial factor in causing the harm to Plaintiff and the Classes.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and on behalf of the members of the Classes defined herein, pray for judgment and relief on all Counts of the Complaint as follows:

- A. An order certifying that the action may be maintained as a Class Action;
- B. An order enjoining Defendants from pursuing the policies, acts, and practices complained of herein;
- C. An order declaring that Defendants fail to provide material information to consumers on the labels of the Products;
- D. An order requiring Defendants to pay restitution to Plaintiffs and all members of the Classes;
- E. Damages, trebled pursuant to the CFA;
- F. Punitive damages;
- G. For pre-judgment interest from the date of filing this suit;
- H. Reasonable attorneys' fees pursuant to the CFA;
- I. Costs of this suit; and

J. Such other and further relief as the Court may deem necessary or appropriate.

DATED: June 10, 2010

MILSTEIN, ADELMAN & KREGER, LLP
Attorneys for Plaintiffs and
the Proposed Classes

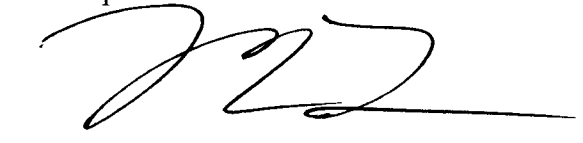
By:


Donald A. Beshada

DATED: June 10, 2010

HARTMANN DOHERTY ROSA
BERMAN & BULBULIA, LLC
Attorneys for Plaintiffs and
the Proposed Classes

By:

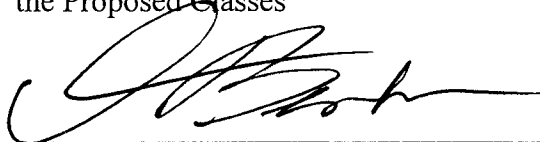

Michael G. Langan

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury of all triable issues herein.

MILSTEIN, ADELMAN & KREGER, LLP
Attorneys for Plaintiffs and
the Proposed Classes

By:



Donald A. Beshada

DATED: June 10, 2010

HARTMANN DOHERTY ROSA
BERMAN & BULBULIA, LLC
Attorneys for Plaintiffs and
the Proposed Classes

By:



Michael G. Langan

DATED: June 10, 2010

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Donald A. Beshada, Esq., is hereby designated as trial counsel for Plaintiffs and the Proposed Classes.

MILSTEIN, ADELMAN & KREGER, LLP
Attorneys for Plaintiffs and
the Proposed Classes

By:

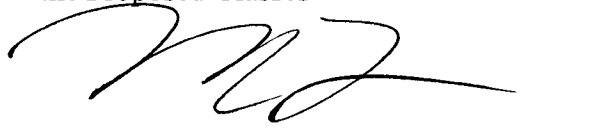


Donald A. Beshada

DATED: June 10, 2010

HARTMANN DOHERTY ROSA
BERMAN & BULBULIA, LLC
Attorneys for Plaintiffs and
the Proposed Classes

By:



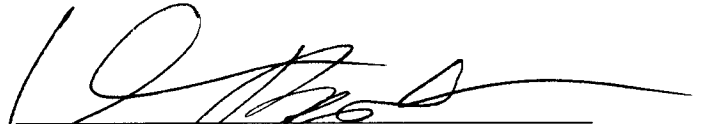
Michael G. Langan

DATED: June 10, 2010

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that this matter in controversy is not the subject of any other action pending in any court or arbitration proceedings, or any such other contemplated actions or arbitration proceedings, with the exception of a matter entitled Renova, et al. vs. Nutrex Research, Inc., pending in the Superior Court for the State of California, County of Los Angeles, which involves similar allegations against Nutrex Research, Inc., Jeffrey A. McCarrell and Jens O. Ingenohl under various California Unfair Competition statutes.


By:



Donald A. Beshada

DATED: June 10, 2010

By:



Michael G. Langan

DATED: June 10, 2010