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*Attorneys for Plaintiffs Roseanne Hansen,
Jennifer Oh, on their own behalf, and
behalf of all others similarly situated*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROSEANNE HANSEN, on behalf of
herself and all others similarly situated;
JENNIFER OH, on behalf of herself and
all others similarly situated;

Plaintiffs,

vs.

SCRAM OF CALIFORNIA, INC., a
California Corporation; ALCOHOL
MONITORING SYSTEMS, INC., a
Delaware Corporation; and DOES 1
through 10, inclusive.

Defendants.

Case No.:

CLASS ACTION COMPLAINT

- 1. Cal.Bus. & Profs. Code § 17200**
- 2. Cal.Bus. & Profs. Code § 17500**
- 3. Cal. Civil Code § 1750**
- 4. Fraud, Deceit and/or
Misrepresentation**

DEMAND FOR JURY TRIAL

CLASS ACTION COMPLAINT

1
2 Plaintiffs Roseanne Hansen, (“Ms. Hansen or Plaintiffs”), and Jennifer Oh,
3 (“Ms. Oh or Plaintiffs”), (collectively “Class Plaintiff’s”) does bring this class
4 action complaint against Defendants Scram of California, Inc. (“SCRAM”) and
5 their co-Defendant and manufacture, Defendant Alcohol Monitoring Systems, Inc.
6 (“AMS”) (collectively “Defendants”) on their own behalf, and on behalf of classes
7 of individuals who have or in the past purchased Defendants’ transdermal alcohol
8 monitoring services, to seek redress from Defendants for their failure to disclose a
9 known defect with their transdermal monitoring device which causes false-positive
10 readings as a result of multiple environmental contaminants unrelated to the said
11 wearer’s consumption of any alcohol. The Defendants are aware of, and still aware
12 of this defect in their own transdermal monitoring device, yet have done nothing to
13 inform their customers of this potential defect prior to providing them the devices
14 and charging them for the service. On behalf of themselves, others similarly
15 situated and the proposed classes of the Defendants’ customers, Plaintiff ‘s seek
16 damages, restitution and injunctive relief against Defendants for the false
17 advertising of their transdermal monitoring service. For their class action
18 complaint, Plaintiffs allege as follows upon personal knowledge as to themselves
19 and their own acts and experiences, and as to all other matters, upon information
20 and belief, including investigations conducted by their attorneys.

21 Plaintiff’s, and the classes they seek to represent, bring this action against
22 the Defendants to challenge the systematic defects in the products that are
23 produced by SCRAM and AMS. At times, when a customer of SCRAM complains
24 about the product causing injury by way of affixing the device to the customer, or
25 about the high exuberant prices deployed by the Defendants, the employees of
26 SCRAM are directed to file with the Court false reading violation reports that
27 would often reflect that the customer, like the Plaintiff’s consumed alcohol when in
28 fact they haven’t. This is just one of many dirty tactics that SCRAM uses to reap

1 the secure benefits of stuffing their wallets with billions of dollars all while
2 innocent people, like the Plaintiff's rot away somewhere in a jail cell.

3 One of the major purposes of sentencing is rehabilitation. Yet, when a
4 person, like each of the Plaintiff's in California, is charged with a DUI related case,
5 the Defendant will often be directed by the trial Court to wear a SCRAM ankle
6 bracelet. To the extent that the person is ordered by the Court not to consume any
7 form of alcohol, it substantially occurs more often than not, that a false reading is
8 produced by the Defendant SCRAM and AMS. Some offenders in California, like
9 the Plaintiff's was or is required to wear the SCRAM and AMS device until their
10 criminal case is adjudicated. Coincidentally, when an offender is set to discharge
11 from the SCRAM program, most Defendants, their attorneys, and the Court will
12 receive a violation report just days before discharge. In a money-making scheme,
13 the Defendants SCRAM and AMS work together to generate false reports. At the
14 end of the day, the Defendants, which starts with AMS, then goes to SCRAM, is a
15 report reflecting the wearer consumed alcohol when in fact they haven't.

16 Plaintiffs are informed, believe and thereon allege that as a result of this
17 money-making scheme that is circumvented by the Defendants SCRAM and AMS,
18 that each year in every County of the State of California, that thousands of clients
19 of SCRAM are sent back to jail, prison and even having their bond revoked as a
20 result of this money-making scheme. Regardless of whether the client is returned
21 to custody as a result of the false violation reports, the clients of SCRAM can
22 suffer other deprivations and consequences and as a result of the Defendants false
23 reports. In some cases, like Ms. Hansen, Defendant SCRAM produces a false
24 reports and the trial Court imposed an additional year of SCRAM supervision even
25 though it was proven that Ms. Hansen had not consumed any alcohol as SCRAM
26 and AMS filed in several violation reports to the Court. Like Ms. Hansen,
27 thousands of other clients suffer the same catastrophic losses like the Plaintiff's.
28

VENUE AND JURISDICTION

1
2 1. This Court has jurisdiction over the state law claims asserted here that
3 is pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d), because (a) at
4 least one member of the putative class is a citizen of a state different from
5 Defendants, (b) the amount in controversy exceeds \$5,000,000, exclusive of
6 interest and costs, and (c) none of the exceptions under that subsection apply to this
7 action.

8 2. This Court has personal jurisdiction over Defendants because they
9 conduct operations and/or sales in California, are registered to do business in
10 California, and the acts alleged herein originated in this District.

11 3. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because
12 a substantial part of the events giving rise to the claim occurred in this District.

THE PARTIES

13
14 4. Plaintiff is Roseanne Hansen, (“Ms. Hansen or Plaintiff’s”) is a citizen
15 of the State of California, over the age of 18 years old and will be also mentioned
16 herein at all times. At all times relevant, the injuries that were caused by the
17 Defendants occurred in the County of Los Angeles, State of California.

18 5. Plaintiff is Jennifer Ho, (“Ms. Ho or Plaintiff’s”) is a citizen of the
19 State of California, over the age of 18 years old and will be mentioned herein at all
20 times. At all times relevant, the injuries that were caused by the Defendants
21 occurred in the County of Los Angeles, State of California.

22 6. Defendant, Alcohol Monitoring Systems, Inc. is a Delaware
23 corporation with its national headquarters located in Littleton Colorado. Defendant
24 AMS is a nationwide provider of alcohol monitoring devices and services to state
25 and federal law enforcement agencies, courts, as well as any and other private
26 entities such as rehabilitation centers. Defendant AMS is registered in California
27 and provides alcohol monitoring services in California, including in this District,
28 and elsewhere throughout the United States.

1 7. Defendant, Scram of California, Inc. is a California corporation with
2 its national headquarters located in Los Angeles, California. Defendant is a local
3 distributor and provider of AMS's devices and services in this District, and
4 elsewhere throughout California.

5 8. Plaintiff's is currently ignorant of the true name(s) and the capacities,
6 whether individual, corporate, associate, or otherwise, of the Defendants sued
7 herein under the fictitious names DOES 1 through 10, inclusive, and therefore, sues
8 such civil Defendants by such fictitious names. Plaintiff's will seek leave to amend
9 this Complaint to allege the true names and capacities of said fictitiously named
10 Doe Defendants is legally responsible in some manner for the events and is also
11 sued pursuant to California Code of Civil Procedure 474.

12 9. Plaintiff's is informed and believes and thereon alleges that the
13 Defendants, including the fictitious Doe Defendants, were at all times acting as
14 actual agents, conspirators, ostensible agents, partners and/or joint ventures and
15 their employees of all other Defendants, and that all acts alleged herein occurred
16 within the course and scope of said agency, employment, partnership, and joint
17 venture, conspiracy, or enterprise, and with the express and/or implied permission,
18 with all such knowledge, consent, authorization and ratification of their own co-
19 Defendants however, each of these allegations are deemed "alternative" theories
20 whenever not doing so would result in a contraction with the other allegations.

21 10. Whenever the Complaint refers to any act of the Defendants, the
22 allegations shall be deemed to mean the act of those Defendants names in the
23 particular cause of action, and each of them, acting individually, jointly and
24 severally.

COMMON ALLEGATIONS OF FACT

11. Defendants are providers of alcohol monitoring services and devices to state and federal law enforcement agencies, courts, as well as various private entities.

12. The alcohol monitoring device used by Defendants is called the SCRAM Continuous Alcohol Monitoring system (the “SCRAM Device”).

13. The SCRAM Device is approximately the size of a deck of cards and is placed on the wearer’s ankle using a strap. The Scram Device is a transdermal monitoring device that was designed to detect and record any instances when the wearer had consumed alcohol by detecting alcohol vapors caused by ingested alcohol diffusing through the skin.

14. The majority of Defendants’ business consists of providing alcohol monitoring services to individuals as part of court mandated rehabilitation programs, as a condition of probation or bond, or other purposes related to the criminal justice system.

15. While Defendants are selected by state and federal agencies and courts to provide monitoring services for criminal defendants and other individuals who become involved in the criminal justice system, it is such individuals who are ultimately Defendants’ customers and choose to purchase Defendants’ alcohol monitoring service as an alternative form of monitoring offered by the state or federal agency or court. Defendants enter into private contracts with each such individual to provide them their alcohol monitoring services, and directly charge them a monthly fee.

16. Defendants advertise their SCRAM Device as a cost-effective and accurate alternative for law enforcement agencies and courts to track the alcohol usage of at-risk individuals such as those charged with driving under the influence or other crimes relating to consumption of alcohol.

1 17. Specifically, the SCRAM Device is meant to be worn 24/7. The
2 wearer is instructed to once a day connect the SCRAM Device to a special docking
3 station connected to the internet to upload the monitoring data collected by the
4 device throughout the day.

5 18. Once the device is connected, the data is sent to a central data center
6 in Colorado operated by AMS. There, the data is reviewed to determine if any
7 monitoring “event” occurred that indicates that the wearer ingested alcohol.

8 19. Unlike blood alcohol monitoring that directly detects the level of
9 alcohol present in the blood stream, Defendants’ SCRAM Device relies on
10 transdermal alcohol monitoring, which operates by detecting the amount of alcohol
11 that evaporates through the skin. Because the rate at which alcohol evaporates
12 through the skin is significantly different than the rate at which alcohol is
13 metabolized and detected in the blood stream, transdermal alcohol monitoring
14 requires the use of an algorithm to approximate the blood alcohol content of the
15 wearer based on the amount of alcohol vapor detected at the skin surface.

16 20. Because transdermal alcohol monitoring measures the amount of
17 alcohol evaporating through the wearers’ skin, the SCRAM Device is by its design
18 susceptible to detecting “false-positive” alcohol readings as a result of what
19 Defendants term to be “environmental alcohol.” That is, alcohol vapors that
20 wearer’s encounter on an everyday basis that may come in contact with the
21 SCRAM Device.

22 21. Environmental alcohols take many forms, and many everyday
23 products contain alcohol that evaporates upon exposure to air and can trigger a
24 SCRAM Device to detect alcohol vapors. For example, body spray, cologne,
25 aftershave, hand sanitizer; household cleaners such as Windex, gasoline, and many
26 other products that most individuals come across on a day-to-day basis contain
27 alcohol that evaporates into the atmosphere.

28

1 23. Given the placement of the SCRAM Device against the wearer's skin
2 on their or her ankle, and the fact that the SCRAM Device is designed to detect the
3 presence of alcohol in the air surrounding the wearer, any environmental alcohol
4 present near or around the device will lead to the device detecting the presence of
5 alcohol vapors even if the wearer had not ingested any alcohol themselves.

6 24. Defendants advertise to the public and the governmental agencies
7 with whom they seek to work with, that the SCRAM Device is capable of
8 determining the difference between alcohol vapors that are detected as a result of
9 "ingested alcohol" and alcohol vapors that are detected as a result of
10 "environmental alcohol."

11 25. Further, the individuals who ultimately purchase Defendants' alcohol
12 monitoring services, are not in any way informed that the SCRAM Device could
13 even register any false-positive test results due to environmental alcohol before
14 making the decision to purchase Defendants' alcohol monitoring service and
15 submit to monitoring via the SCRAM Device.

16 26. However, Defendants misrepresent the risk of false-positive test
17 results as a result of environmental alcohol. In fact, numerous sources have
18 documented instances of false-positive test results recorded by the SCRAM Device
19 when the wearer was proven to have not consumed any alcohol.

20 27. For example, in one instance a criminal defendant in Oakland County
21 Michigan was fitted with the SCRAM Device as a condition of being released on
22 bond following a car accident. Subsequently, the court was notified of three
23 drinking episodes that were potential violations of the conditions of the bond, and a
24 bond revocation hearing was held. However, at the hearing, the Honorable Dennis
25 Powers of the Novi District Court determined that the SCRAM Device was in fact
26 unreliable and that the events detected were false-positives. Specifically, according
27 to the data recorded by the SCRAM Device, during the first drinking episode the
28 wearer consumed alcohol for 63 consecutive hours and maintained an identical

1 blood-alcohol level at all times—a biological impossibility. The second drinking
2 episode was detected by the SCRAM Device at the exact same time as when the
3 wearer was taking a breath-alcohol test that showed no presence of alcohol
4 whatsoever. The third drinking episode was detected when the wearer was in the
5 hospital, and even though the wearer had not consumed any alcohol whatsoever,
6 the data recorded was identical to data corresponding to some who had internally
7 ingested alcohol. The court rejected the evidence presented by AMS and in
8 particular noted that “the SCRAM tether did not meet the requisite standards of
9 ‘reliability’ or ‘general acceptance’ in the relevant scientific community” and that
10 “[t]he body of evidence supplied by the defendant made it clear that the readings
11 by the SCRAM tether were not necessarily the result of prolonged drinking
12 episodes.”

13 28. As another example, another criminal defendant was ordered by the
14 Court in Ramsey County Minnesota to wear the SCRAM ankle bracelet as a result
15 of a DUI related offense. The SCRAM device is worn as an ankle bracelet which
16 monitors the migration of alcohol through the offender’s skin. The measurements
17 are then obtained are converted to a blood-alcohol content which is designated as
18 the TAC, which means Transdermal Alcohol Content.

19 29. In this case, on November 9, 2006, the defendants SCRAM device
20 showed a positive reading for alcohol with a confirmed peak reading .035 TAC.
21 On November 10, 2006, at approximately 6:00 a.m., the defendants SCRAM
22 device showed a positive reading for alcohol with an alleged confirmed peak
23 reading in at .05 TAC. The defendant was notified a week later that he tested
24 positive for alcohol consumption and that a probation violation report would be
25 filed against him. The defendant was notified by their attorney and the defendant
26 got an alcohol test done through a certified medical lab and the results were
27 negative.
28

1 30. In the very case, just as the same facts as each of the Plaintiff's, the
2 Honorable Edward S. Wilson found SCRAM highly unreliable and based on the
3 hearing that was held, the trial Court found that SCRAM was not widely accepted
4 in the scientific community. Further, Judge Edward Wilson also determined that
5 the SCRAM device that the defendant was wearing was not in proper working
6 order on the dates in question. As such, the violation was dismissed.

7 31. In a study of the accuracy of transdermal alcohol monitoring utilizing
8 the SCRAM Device, it was similarly noted that the "methodology used by AMS
9 cannot separate ethanol from other contaminating alcohols and therefore is not a
10 reliable method." This is of particular significance because ingested alcohol is
11 specifically comprised of ethanol. Thus, any device intended to measure an
12 individual's blood alcohol content that is not specific to ethanol will detect all
13 types of alcohols, including those that are not ingested by an individual. The
14 SCRAM Device utilizes "fuel cell" technology that creates an electric current
15 when an electrolyte contained within the device comes in contact with chemicals
16 that has a "hydroxyl" group. The chemicals include isopropyl alcohol (rubbing
17 alcohol), antifreeze, and many other "alcohols" such as those previously described
18 above. Because the SCRAM device is not specific to detecting ethanol, any
19 number of other alcohols that are not ingested by the wearer can result in the
20 Device registering an "alcohol" reading if they come in contact with the device.

21 32. Because the SCRAM Device does not directly measure the wearers'
22 blood alcohol content, and is not specific to detecting ethanol, a reading by the
23 SCRAM Device detecting the presence of alcohol vapors is not by itself in any
24 way indicative that the wearer had actually consumed alcohol.

25 33. As discussed above, Defendants have to apply an algorithm to
26 determine whether any readings collected by the SCRAM Device actually
27 correspond to what Defendants term a "confirmed alcohol consumption event."
28

1 34. Specifically, Defendants measure the rate at which the alcohol vapor
2 readings detected by the SCRAM Device increase and decrease in order in order to
3 determine whether they match the predicted rate at which alcohol vapors are
4 released as a result of alcohol being metabolized by the human body. In applying
5 their algorithm to determine whether an “alcohol consumption event” occurred,
6 Defendants rely on a general assumption that the rate at which alcohol vapor is
7 released through the skin following the consumption of alcohol falls within a
8 certain range for all individuals, regardless of any distinguishing physiological
9 characteristics (i.e. weight, height, thickness of skin).

10 35. Applying this algorithm, Defendants claim to be able to distinguish
11 between alcohol vapor readings caused by “alcohol consumption events” and
12 readings caused by “environmental alcohols,” because alcohol vapor readings that
13 are caused by environmental alcohols are supposed to have a significantly different
14 rate at which they increase/decrease in comparison to readings that are caused by
15 ingestion of alcohol.

16 36. Because the raw data produced by the SCRAM Device is by itself of
17 limited use in determining whether the wearer actually consumed alcohol, the data
18 has to be sent to AMS’ central monitoring facility in Colorado to be analyzed and
19 for AMS’ personnel to apply the algorithm and attempt to determine whether an
20 “alcohol consumption event” had occurred.

21 37. When a customer of Defendants’ alcohol monitoring service connects
22 their SCRAM Bracelet into the internet connected docking station each day, the
23 data collected for that day is sent to AMS for such analysis.

24 38. If upon analyzing the data AMS determines that the alcohol vapor
25 readings were caused by an “alcohol consumption event,” Defendants inform the
26 law enforcement agency or court exercising jurisdiction over the wearer that based
27 on their analysis of the collected data the individual had consumed alcohol.
28

1 39. However, the individual who was actually wearing the SCRAM
2 Device, is not in any way informed by Defendants or by the device itself that an
3 “alcohol consumption event” had occurred, neither at the time when the SCRAM
4 Device is actually recording the alcohol vapor readings, nor when AMS concludes
5 its analysis of the data and informs the law enforcement agency or the court.

6 40. In fact, the SCRAM Device is not designed to, and does not actively
7 inform the wearer in real-time when it is detecting alcohol vapors. Even if the
8 SCRAM Device records alcohol vapor readings continuously for 24 hours, when
9 the wearer connects the SCRAM Device to the docking station to upload the data,
10 the SCRAM Device will simply flash a green light to inform the wearer that the
11 upload was successful.

12 41. Because the vast majority of Defendants’ customers purchase the
13 transdermal alcohol monitoring service as part of a condition of their bond or
14 probation, a report to a law enforcement agency or judiciary that an individual has
15 been determined to have consumed alcohol will often be considered a violation of
16 the conditions of any such bond or probation and trigger a hearing revoking the
17 bond/probation.

18 42. However, because Defendants’ customers are not timely notified
19 when the SCRAM Device detects the presence of alcohol vapors, when the data is
20 uploaded daily to AMS, or even when AMS sends a report stating that an “alcohol
21 consumption event” has occurred, they often do not discovery that they had
22 supposedly violated the conditions of their bond or probation until several days
23 after the “alcohol consumption event” had occurred.

24 43. Thus, Defendants’ customers who wish to dispute any finding that
25 they violated the terms of their bond/probation are unable to obtain evidence that
26 could allow them to challenge the revocation of their bond/probation because by
27 the time they are made aware of the potential violation, due to the rate of alcohol
28 metabolism in the human body, Defendants’ customers cannot obtain a timely

1 blood or breath alcohol test that could definitively show that they did not consume
2 alcohol at the time indicated by the SCRAM Device.

3 **CLAIMS OF CLASS REPRESENTATIVES**

4 ***1. Roseanne Hansen***

5 44. Plaintiff Roseanne Hansen, (“Ms. Hansen or Plaintiff’s”), was driving
6 in the City of San Diego when a San Diego Police Department, (“SDPD”) officer
7 saw Ms. Hansen in her vehicle and also witnessed Ms. Hansen fail to yield at a
8 known red stop sign. As such, the SDPD officer began following Ms. Hansen for
9 several blocks. The SDPD officer alleges that he witnessed Ms. Hansen commit
10 another traffic offense of failure to yield at a four way stop light.

11 45. The SDPD officer then initiated a traffic stop of Ms. Hansen and
12 stopped her in her drive way at her home. The SDPD police officer began asking
13 her several questions. The SDPD officer then became suspicious that Ms. Hansen
14 was under the influence of alcohol. The officer then conducted a Nystagmus check
15 on Ms. Hansen’s eyes using his finger. The officer then decided to conduct what is
16 called Standard Field Sobriety Tests, (“SFST’s”). The officer alleges that Plaintiff
17 Hansen failed these tests. The officer then had Ms. Hansen do a One-Leg Stand
18 Test by lifting her left foot off the ground. The officer then had Ms. Hansen start
19 counting from 1 to 20.

20 46. Thereafter, based on the officer’s training, placed Ms. Hansen under
21 arrest for suspicion of driving under the influence. Ms. Hansen was then taken to
22 the station where she was given an option to submit to a breath or blood test. She
23 agreed to a breathalyzer. Due to the facts that the breathalyzer machine was not
24 working at its best, the officer then asked Ms. Hansen for a blood test based on the
25 breathalyzer machine not working correctly. Ms. Hansen then consented to a blood
26 test. After the samples were secured, Ms. Hansen was then transported to the Las
27 Colinas County Jail. Ms. Hansen later posted bail and was released.

1 47. Soon after Ms. Hansen was released from the San Diego County Jail,
2 Ms. Hansen was provided with a Court date and Ms. Hansen was then charged
3 with misdemeanor DUI and her and her private retained attorney appeared in San
4 Diego Superior Court and defended against the DUI. As such, Ms. Hansen, by and
5 through her attorney, was later arraigned for misdemeanor DUI. During the course
6 of the criminal case, it was Ms. Hansen voluntarily entered herself in an alcohol
7 treatment center.

8 48. After Ms. Hansen entered herself into the treatment facility, on a daily
9 basis, Ms. Hanses was monitored on a daily basis and checked for alcohol. At no
10 time was SCRAM or AMS ever made aware that she was entered into a private
11 rehabilitation center. While Ms. Hansen was entered into the treatment facility, her
12 freedom was strictly regimented. Ms. Hansen was not permitted to leave from the
13 facility, go to work, or consume any form of alcohol.

14 49. On February 8, 2016, while living in an alcohol rehab center, AMS
15 had sent a report that to their co-Defendant SCRAM indicating a positive reading
16 that Ms. Hansen consumed alcohol for a day long period. Thereafter, SCRAM,
17 who had ample opportunity to read, investigate and understand the report, then just
18 decided in the best interest of AMS and SCRAM, that the two Defendants would
19 then generate a report that Ms. Hansen consumed alcohol. Again, at no time did
20 SCRAM and AMS know that Ms. Hansen was residing in an alcohol rehab center.

21 50. On February 7, 2016, the day before the alleged drinking episode that
22 was paraded around by the Defendants, was a fact that the director of the rehab
23 center where Ms. Hanses was living had given Ms. Hansen a breathalyzer as a part
24 of a random inspection that Ms. Hansen agreed to. The results of the breathalyzer
25 where in fact negative.

26 51. After SCRAM and AMS crafted a false violation report pertaining to
27 Ms. Hansen, it was then SCRAM forwarded a copy of the false report to the Court
28 and to Ms. Hansen private attorney. Once the report was filed with the Court and

1 her attorney, Ms. Hansen was then contacted by her attorney and informed of the
2 false report. Ms. Hansen was then eager to prove her innocence. Ms. Hansen then
3 reported the SCRAM report to her rehab treatment center manager, who again then
4 tested Ms. Hansen on the spot. The results were negative.

5 52. That same day, Ms. Hansen's attorney then instructed her to go to a
6 licensed and State approved medical lab to have a urine sample tested. At the lab,
7 Ms. Hansen provided the lab with a urine sample that was ultimately tested not
8 only for alcohol, but also drugs. The results of urine sample were staggering. The
9 results were negative and the State certified lab then sent a copy of their medical
10 report to Ms. Hansen.

11 53. Defendants AMS and SCRAM falsely represented to the Court, Judge
12 Lisa Rodriguez, Ms. Hansen's attorney, and Ms. Hansen that she had consumed
13 alcohol for hours at a time. In the end, Ms. Hansen scientifically proved that she
14 did not consume any alcohol and the corrupt Defendants AMS and SCRAM had
15 stated in the false report.

16 54. Once Ms. Hansen appeared in Court to defend against the false report,
17 it was then the trial Court did not allow Ms. Hansen to introduce the urine test
18 results. As a result, the Court just decided after reviewing the AMS and SCRAM
19 report that was generated, that Judge Lisa Rodriguez would just extend the period
20 of Ms. Hansen's SCRAM monitoring to an additional year. As a result, this means
21 more money making for Defendants AMS and SCRAM.

22 55. As a part of the Defendants money making scheme, it is structured so
23 that when a violation report is generated, the person who is wearing the SCRAM
24 ankle bracelet, will eventually have to appear in Court. When that time comes,
25 both of the Defendants AMS and SCRAM know that most clients do not have the
26 money to prove their innocence by paying \$ 300.00 for a urine test, or \$ 800.00
27 dollars for a hair follicle test. Therefore, Defendants AMS and SCRAM do know
28 that ninety nine percent of the judges will then extend the SCRAM period of the

1 criminal defendant by a year, so that means the criminal defendant must not only
2 be monitored by SCRAM for another year, but it also means that the person who is
3 wearing the SCRAM device now gets to pay AMS and SCRAM another
4 \$ 250.00 for SCRAM services every two weeks, and another setup fee in the
5 amount of \$ 325.00. Just an everyday money making scheme that the Defendants
6 incorporate by duping every single Judge of the Superior Court of California into
7 actually believing that the criminal defendant actually consumed alcohol when in
8 fact the person has not.

9 56. Ms. Hansen paid a total of \$ 6,400.00 to Scram of California for the
10 Defendants alcohol monitoring service.

11 57. Ms. Hansen paid a total of \$ 300.00 for a certified urine test from a
12 certified laboratory.

13 58. Additionally, Ms. Hansen also paid \$ 2,000 for attorney fees to her
14 attorney to defend against the alleged SCRAM violation.

15 59. Had Ms. Hansen known that the SCRAM Device registered false
16 positive test results, did not timely inform the user when the device was detecting
17 the presence of alcohol vapors, and that Defendants AMS and SCRAM would not
18 timely inform Plaintiff once they had determined that an alcohol monitoring event
19 occurred, Plaintiff would have never agreed to purchase Defendants alcohol
20 corrupt monitoring service as a condition of her bond, and would have petitioned
21 the court for an alternative means of monitoring or filed a Writ of Mandate to the
22 Fourth District Court of Appeals asking the Court of Appeals to remand and vacate
23 the SCRAM condition.

24 **2. Jennifer Oh**

25 60. Plaintiff Jennifer Oh, (“Ms. Oh or Plaintiff’s”), was arrested for
26 driving under the influence on December 16, 2014. Ms. Oh was subsequently
27 involved in a car accident with another car. A short time later, police arrived on
28 scene and had opened a crash investigation. During that time, the police suspected

1 that Ms. Oh was under the influence of alcohol. The investigating officer
2 conducted field sobriety tests on Ms. Oh and alleged that Ms. Oh was in fact under
3 the influence.

4 61. Ms. Oh was read her Miranda rights and placed under arrest and then
5 transported to the local police station where Ms. Oh posted bond. The police then
6 provided Ms. Oh with a Court date to appear in Court.

7 62. Several months later, Plaintiff retained private counsel and appeared
8 at the trial Court to be arraigned on DUI related charges. At that time, Ms. Oh, by
9 and through her attorney entered a not guilty plea. At the arraignment, her attorney
10 made an offer of good faith to the Court to have Ms. Oh voluntarily enroll in the
11 SCRAM ankle monitoring program.

12 63. The criminal case was then postponed to give Plaintiff time to enroll
13 in the SCRAM program. Several weeks later, Ms. Oh's attorney appeared before
14 the trial Court and informed the Court that Ms. Oh enrolled in the SCRAM and
15 AMS program.

16 64. While Ms. Oh was enrolled in the SCRAM program, Ms. Oh was then
17 ordered to pay SCRAM \$ 225.00 a week for SCRAM monitoring. In addition, the
18 Plaintiff also paid SCRAM a \$ 325.00 enrollment fee.

19 65. Once Ms. Oh was finally enrolled in the SCRAM program, Ms. Oh
20 was then mandated to attend a seminar which was given by a SCRAM employee.
21 The seminar consisted of the dos and don'ts while on SCRAM. The SCRAM
22 employee instructed the Plaintiff not to consume alcohol. The employee also gave
23 an instruction that Ms. Oh not use any form of alcohol related environmental
24 products. Ms. Oh agreed to both. At no time did SCRAM provide Ms. Oh with any
25 notice of this writing.

26 66. During the time that Ms. Oh was placed on SCRAM monitoring, Ms.
27 Oh continued to complain about the monthly SCRAM fee. Ms. Oh also asked the
28 SCRAM Defendant if the Plaintiff could apply to have her monthly costs reduced

1 based on the facts that Ms. Oh could barely afford the monthly fee. However, the
2 employee acting on behalf of SCRAM informed Ms. Oh that she could not seek a
3 reduced rate and that if Ms. Oh, did not pay the monthly fees, that SCRAM would
4 report Ms. Oh to the trial Court indicating that Ms. Oh was in violation of her
5 SCRAM conditions.

6 67. Facing the threats of arrest and detention and the possibility of losing
7 her job, home and family, Ms. Oh choose to pay the outrageous fees to SCRAM
8 and AMS.

9 68. On June 8, 2015, weeks after Ms. Oh complained to her case manager
10 about the outrageous fees assessed by SCRAM and AMS, Ms. Oh's attorney was
11 sent a violation report that Ms. Oh was in violation of her SCRAM monitoring
12 conditions. The alleged times of consumption was June 5, 2015 to June 7, 2015.

13 69. Defendants AMS and SCRAM indicate that Alcohol detections have
14 confirmed as consumption identify the Blood Alcohol Curve and include both the
15 presence of absorption to the peak with an absorption rate less than 0.10% per hour
16 and the presence of elimination with an elimination rate less than 0.025% per hour
17 if the peak was less than 0.150% or less than 0.035% per hour if the peak is
18 0.150% or above. [emphasis in original].

19 70. Also attached to the report generated by AMS to SCRAM, is a graph
20 sheet dated from the dates of June 5, 2015 at 6:00pm to June 7, 2015. The graph
21 shows the trans-dermal concentration, ("TAC") levels just like in the graph of her
22 co-Plaintiff. The TAC readings are the black line and are also represented on the
23 scale sheet to the left of the graph sheet. It also reflects the Infrared, ("IR")
24 readings identified on the blue line and the temperature readings are displayed on
25 the red line and represented by the scale on the right of the graph.

26 71. The graph is subsequently listed from June 5, 2015 at 6:00pm to June
27 7, 2015. During these two days, coincidentally, that TAC level stays the same as
28 like her co-Plaintiff Jennifer Oh. Which by all accounts indicated that Ms. Oh

1 drank for two days straight, a biological impossibility. During this time, AMS
2 alleges that the TAC level stayed the same.

3 72. As a result of a flawed report, Defendant SCRAM sent a report that
4 was generated by AMS to Ms. Oh's private attorney. The report rambles on to
5 indicate that Ms. Oh consumed alcohol on June 5, 2015 for two days.

6 73. Defendant AMS produced the report and was reviewed by SCRAM,
7 who in turn provided the alleged consumption report to third parties. The report
8 was then sent to the trial Court. Once Ms. Oh became aware of the report and the
9 alleged drinking episode, Ms. Oh's attorney then instructed Ms. Oh to go to a state
10 certified laboratory. Ms. Oh voluntarily submitted to a medical lab, paid \$ 300.00
11 to a private testing laboratory and provided a urine sample to have tested. Several
12 weeks later the results of the urine test where made public. The results of the urine
13 test were staggering. The results were negative for alcohol. Also in the sample that
14 Ms. Oh voluntarily provided, the sample was tested for other forms such as the
15 ingredients of alcohol and drugs. However, the certified medical lab was still able
16 to reaffirm that the sample provided by Ms. Oh was still negative. Thereafter, Ms.
17 Oh's private attorney turned over copies of the medical report by the certified lab
18 and a hearing was held.

19 74. Once the AMS, SCRAM, and lab reports were finalized, Ms. Oh by
20 and through her attorney appeared in the trial Court and defended against the false
21 report allegations. The trial Court was unable to come to a resolution in the case
22 and therefore the SCRAM and AMS Defendants had no choice to face the facts
23 that they produce a false report in a Court of law.

24 75. Ms. Oh paid a total of \$ 600.00 to Scram of California for their said
25 corrupt Defendants alcohol monitoring service.

26 76. Ms. Oh paid a total of \$ 130.00 for a certified urine test from a state
27 certified laboratory.

28

1 77. Additionally, Ms. Oh also paid \$ 1,000 for attorney fees to her private
2 attorney to defend against the alleged SCRAM violation.

3 78. Had Ms. Oh known or been aware that the SCRAM Device registered
4 false positive test results, did not timely inform the user when the device was
5 detecting the presence of alcohol vapors, and that Defendants AMS and SCRAM
6 would not timely inform Ms. Oh once they had determined that an alleged alcohol
7 monitoring event occurred, she would have never agreed to purchase Defendants
8 alcohol corrupt monitoring service as a condition of her bond, or would have tried
9 to locate another AMS and SCRAM monitoring company.

10 **CLASS DEFINITIONS AND RULE 23 PREREQUISITES**

11 Plaintiff's brings this action on their own behalf, and also on behalf of the
12 various classes of all other persons similarly situated, pursuant to Federal Rule 23
13 of the Federal Rules of Civil Procedure.

14 Numerosity: In accordance with F.R.Civ. P. Rule 23(a), the members of
15 each of the class are so numerous that joinder of all members is impracticable.
16 Plaintiffs do not know the exact number of class members. There are over 50
17 persons from each of the Scram offices being monitored at any given time, and
18 there is constant change and turnover in who receives a false positive report. The
19 Plaintiffs are informed and believes, and thereon allege, that the number of persons
20 in each of the classes is at least in the hundreds.

21 **CLASS ACTION ALLEGATIONS**

22 Plaintiff's brings this action pursuant to the Federal Rule of Civil Procedure
23 23(b)(2) and Rule 23(b)(3) on behalf of herself and a class defined as follows:

24 **Nationwide Class:** All individuals nationwide who, from four years
25 prior to the filing of this Complaint through to date of certification
26 purchased Scram and AMS's SCRAM ankle monitoring service.

27 **California Subclass:** All individuals who, from four years prior to the
28 filing of this Complaint through to date of certification purchased
Scram and AMS's SCRAM ankle monitoring service.

COMMON ISSUES OF FACT AND LAW

In accordance with F.R. Civ. P. Rule 23(a), there are questions of fact common to the class. The common questions of fact include, but are not limited to the following:

a) Whether Defendants' Products are able to tell the difference between environmental products that contain and the presence of actual alcohol in the wearer's body system;

b) Whether Defendants' disclosed to the Plaintiff's and the class members that environmental products that contain alcohol should not be used;

c) Whether Defendants unfairly, unlawfully and/or deceptively failed to inform class members that their Products cannot tell the difference between the presence of alcohol and environmental products that contain alcohol;

d) Whether Defendants misled class members by, *inter alia*, representing that their Products could tell the difference between alcohol and environmental products;

e) Whether Defendants' advertising and marketing regarding their Products sold to class members was likely to deceive class members or was unfair;

f) Whether Defendants' and others breached fiduciary duties owed to the Plaintiff's and the Class;

g) Whether the Defendants' and others breached fiduciary duties owed to the Plaintiff's and the Class;

h) Whether the Defendants' aided and abetted in the breach of fiduciary duties owed to the Plaintiff's and the Class;

i) Whether the Defendants aided and abetted fraud;

j) Whether Scram and AMS, by and through its agents and/or employees, knew of and/or willfully disregarded that fraud;

k) Whether the Defendants' and others made untrue statements to the said Plaintiff's and the Class negligently and without any reasonable grounds for

1 believing them to be true;

2 l) Whether Defendants engaged in the alleged conduct knowingly,
3 recklessly, or negligently;

4 m) The amount of revenues and profits Defendants received and/or the
5 amount of monies or other obligations lost by class members as a result of such
6 wrongdoing;

7 n) Whether class members are entitled to injunctive and other equitable
8 relief and, if so, what is the nature of such relief; and

9 o) Whether class members are entitled to payment of actual, incidental,
10 Consequential, exemplary and/or statutory damages plus interest thereon, and if so,
11 what is the nature of such relief.

12 p) Whether Defendants practice of waiting two weeks to turn over a
13 violation report to the client violates state law;

14 In accordance with F.R. Civ. P. Rule 23(a), there are questions of law
15 common to the class. Plaintiffs are informed and believes and, thereon allege, that
16 the common questions of law include but are not limited to the following:

17 a. Whether the Defendants are making false and misleading statements
18 to City, County and Government agencies to guarantee written contracts;

19 b. Whether the Defendants are making known false statements to the
20 Court, Judges, and other agencies that their product is reliable;

21 c. Whether the Defendants false products violates State and Federal law;

22 d. Whether the Defendants SCRAM Device can be subject to forms of
23 contamination;

24 e. Whether the Defendants products have been accepted in the scientific
25 community;

26 f. Whether there is a potential error rate;

27 g. Whether the conduct described above violates California Business §
28 Professional Codes 17200, 17500 and 1750;

1 79. Typicality: In accordance with F.R. Civ. P. Rule 23(a), the claims of
2 the representative Plaintiffs are typical of each class. Plaintiff's was subjected to
3 jail time, loss of liberty and loss of thousands in dollars in attorney fees based on
4 the criminal misconduct of the Defendants.

5 80. Thus, the Plaintiffs have the same interests, and have suffered the
6 same type of damages as the class members. Named Plaintiff's claims are based
7 upon the same or similar legal theories as the claims of the class members. Each
8 class member suffered actual damages as a result of the Defendants' discriminatory
9 policies. The actual damages suffered by Plaintiff's are similar in type and amount
10 to the actual damages suffered by each class member.

11 81. In accordance with F.R. Civ. P. Rule 23(a), the Named Plaintiff's will
12 fairly and adequately protect the interests of the class. The interests of the Named
13 Plaintiffs are consistent with and not antagonistic to the interests of the class.

14 82. Maintenance and Superiority: In accordance with Fed.R.Civ.P. Rule
15 23(b)(1)(A), prosecutions of separate actions by individual members of the class
16 would create a risk that inconsistent or varying adjudications with respect to
17 individual members of the class would establish incompatible standards of conduct
18 for the parties opposing the class.

19 83. In accordance with Fed.R.Civ.P. Rule 23(b)(1)(B), prosecutions of
20 Separate actions by individual members of the class would create a risk of
21 Adjudications with respect to individual members of the class that would, as a
22 practical matter, substantially impair or impede the interests of the other members
23 of the class to protect their interests.

24 84. In accordance with Fed.R.Civ.P. Rule 23(b)(2), Plaintiff's is informed
25 and believes, and thereon allege that Defendants have acted on grounds fully
26 generally applicable to the class.

27 85. In accordance with Fed.R.Civ.P. Rule 23(b)(3), the questions of law
28 or fact common to the members of the class predominate over any questions

1 affecting only individual members, and this class action is superior to other
2 available methods for the fair and efficient adjudication of the controversy between
3 the parties. The interests of class members in individually controlling the
4 prosecution of a separate action is low in that most class members would be unable
5 to individually prosecute any action at all. The amounts at stake for individuals are
6 such that separate suits would be impracticable in that most members of the class
7 will not be able to find counsel to represent them. It is desirable to concentrate all
8 litigation in one forum because all of the claims arise in the same location, i.e., the
9 County of San Diego. It will promote judicial efficiency to resolve the several
10 common questions of law and fact in one forum rather than in multiple courts.
11 Because the discrimination alleged herein is systemic, it is particularly well suited
12 to resolution on a class basis, as the critical questions in the case may be answered
13 on a class wide basis.

14 86. Plaintiff's does not know the identities of the class members. The
15 Plaintiffs are informed and believes, and thereon allege, that the identities of the
16 class members are ascertainable from SCRAM records, in particular the SCRAM
17 computer systems used to track and identify SCRAM clients. Plaintiffs are hereby
18 informed and believes, and thereon allege, that the SCRAM computer records
19 reflect the identities, including addresses and telephone numbers, of the persons
20 who have been using SCRAM Device.

21 87. Plaintiff's does not know of no difficulty that will be encountered in
22 the management of this litigation that would preclude its maintenance as a class
23 action. The class action is superior to any other available means to resolve the
24 issues raised on behalf of the classes. The class action will be manageable because
25 so many different records systems exist from which to ascertain the members of
26 the class and to ascertain some of the proof relevant to Plaintiffs claims. Liability
27 can be determined on a class-wide basis based on class wide evidence because the
28 Plaintiff's complaint of systemic and widespread defective products and equipment

1 that is manufactured, leased and/or sold by Defendants. Plaintiff and the class
2 members are entitled to statutory damages under state law and to presumed
3 damages under federal law; and, in any event, individualization or variability in
4 damages is not a bar to a liability certification based on common liability issues.

5 88. In accordance with Fed.R.Civ.P. Rule 23(b)(3), class member's must
6 be furnished with the best notice practicable under the circumstances, including
7 individual notice to all members who can be identified through reasonable effort.
8 Plaintiff is informed and believes that SCRAM computer records contain a last
9 known address for class members. Plaintiff's contemplates that individual notice
10 be given to class members at such last known address by first class mail. Plaintiffs
11 contemplate that the notice informs class members of the following:

12 A. The pendency of this action, and the issues common to the class;

13 B. B. The nature of the action;

14 C. Their right to 'opt out' of the action within a given time, in
15 which event they will not be bound by a decision rendered in
16 the class action;

17 D. Their right, if they do not 'opt out,' to be represented by their own
18 counsel and enter an appearance in the case; otherwise, they will be represented by
19 the named Plaintiffs and their counsel; and

20 E. Their right, if they do not 'opt out,' to share in any recovery in
21 favor of the class, and conversely to be bound by any judgment
22 on the common issues, adverse to the class.

23 Plaintiff restates and incorporates by reference each of the foregoing and
24 ensuing paragraphs in each of the following causes of action as if each paragraph
25 was fully set forth therein.

PLAINTIFF'S FIRST CAUSE OF ACTION

(Unfair, Unlawful, Deceptive Trade Practices, Bus. Prof. Code § 17200, et.seq)

Plaintiffs on behalf of themselves and the Class v. AMS and SCRAM

89. Plaintiffs re-allege and incorporate by reference the paragraphs of this Class Action Complaint as if set forth herein.

90. Within four (4) years preceding the filing of this Class Action Complaint, and at all times mentioned herein, Defendants have engaged, and continue to engage, in unfair, unlawful and deceptive trade practices in California by engaging in the unfair, deceptive and unlawful business practices outlined in this Class Action Complaint. In particular, Defendants have engaged, and continue to engage, in unfair, unlawful and deceptive trade practices by, without limitation, the following:

a. deceptively representing to Plaintiffs, and those similarly situated, that their products are reliable and can make a determination if alcohol is present in the wearers system, as opposed to the wearer trying on environmental products that contain alcohol;

c. failing to adequately inform Plaintiffs, and those similarly situated, that the wearer should not use environmental products;

d. failing to adequately inform Plaintiffs, and those similarly situated, that the Products were not and did not exclusively made by Scram;

e. failing to adequately inform Plaintiffs, and those similarly situated, that the Scram device had never been accepted into the scientific community;

f. failing to inform Plaintiffs, and those similarly situated, that the monthly payment can be lowered based on the wearers income;

91. Plaintiffs and those similarly situated relied to their detriment on Defendants' unfair, deceptive and unlawful business practices. Had Plaintiffs and those similarly situated been adequately informed and not deceived by Defendants, they would have acted differently by not purchasing (or paying less for) the

1 Defendants' Products.

2 92. Defendants' acts and omissions are likely to deceive the general
3 public.

4 93. Defendants engaged in these unfair practices to increase their profits.
5 Accordingly, Defendants have engaged in unlawful trade practices, as defined and
6 prohibited by section 17200, *et. seq.* of the California Business and Professions
7 Code.

8 94. The aforementioned practices, which Defendants have used to their
9 significant financial gain, also constitute unlawful competition and provide an
10 unlawful advantage over Defendants' competitors as well as injury to the general
11 public.

12 95. Plaintiffs seek, on behalf of those similarly situated, full restitution of
13 monies, as necessary and according to proof, to restore any and all monies acquired
14 by Defendants from Plaintiffs, the general public, or those similarly situated by
15 means of the unfair and/or deceptive trade practices complained of herein, plus
16 interest thereon.

17 96. Plaintiffs seek, on behalf of those similarly situated, an injunction to
18 prohibit Defendants from continuing to engage in the unfair trade practices
19 complained of herein.

20 97. The acts complained of herein occurred, at least in part, within four
21 (4) years preceding the filing of this Class Action Complaint.

22 98. Plaintiffs and those similarly situated are further entitled to and do
23 seek both a declaration that the above-described trade practices are unfair,
24 unlawful and/or fraudulent, and injunctive relief restraining Defendants from
25 engaging in any of such deceptive, unfair and/or unlawful trade practices in the
26 future. Such misconduct by Defendants, unless and until enjoined and restrained by
27 order of this Court, will continue to cause injury in fact to the general public and
28 the loss of money and property in that Defendants will continue to violate the laws

1 of California, unless specifically ordered to comply with the same. This
 2 expectation of future violations will require current and future customers to
 3 repeatedly and continuously seek legal redress in order to recover monies paid to
 4 Defendants to which Defendants are not entitled for services not completely
 5 rendered. Plaintiffs, and those similarly situated and/or other consumers
 6 nationwide have no other adequate remedy at law to ensure future compliance with
 7 the California Business and Professions Code alleged to have been violated herein.

8 99. As a direct and proximate result of such actions, Plaintiffs and the
 9 other members of the Classes have suffered and continue to suffer injury in fact
 10 and have lost money and/or property as a result of such deceptive, unfair and/or
 11 unlawful trade practices and unfair competition in an amount which will be proven
 12 at trial, but which is in excess of the jurisdictional minimum of this Court. Among
 13 other things, Plaintiff sand the Classes lost the amount they paid for the Defendants
 14 Defective Products.

15 100. As a direct and proximate result of such actions, Defendants have
 16 enjoyed, and continue to enjoy, significant financial gain in an amount which will
 17 be proven at trial, but which is in excess of the jurisdictional minimum of this
 18 Court.

19 **PLAINTIFF'S SECOND CAUSE OF ACTION**

20 **(False Advertising, Bus. Prof. Code § 17500, et. seq. ("FAL"))**

21 **Plaintiffs on behalf of themselves and the Class v. AMS and SCRAM**

22 101. Plaintiffs re-allege and incorporate by reference the paragraphs of this
 23 Class Action Complaint as if set forth herein.

24 102. Beginning at an exact date unknown to Plaintiffs, but within four (4)
 25 years preceding the filing of the Class Action Complaint, Defendants made untrue,
 26 false, deceptive and/or misleading statements in connection with the advertising
 27 and marketing of their Products.
 28

1 103. Defendants made representations and statements (by omission and
2 commission) that led reasonable customers to believe that they were purchasing a
3 product so unique, that it would be proven scientifically that the wearer has, or did
4 at some point consume alcohol. At all times relevant, Defendants' knew that their
5 representations were false, but made them anyways.

6 104. Plaintiffs and those similarly situated relied to their detriment on
7 Defendants' false, misleading and deceptive advertising and marketing practices,
8 including each of the misrepresentations and omissions set forth in each of the
9 paragraphs herein. Had Plaintiffs and those similarly situated been adequately
10 informed and not intentionally deceived by Defendants, they would have acted
11 differently by, without limitation, refraining from purchasing Defendants'
12 Products, paying less for them or purchasing smaller quantities.

13 105. Defendants' acts and omissions are likely to deceive the general
14 public.

15 106. Defendants engaged in these false, misleading and deceptive
16 advertising and marketing practices to increase their profits. Accordingly,
17 Defendants have engaged in false advertising, as defined and prohibited by section
18 17500, *et. seq.*, of the California Business and Professions Code.

19 107. The aforementioned practices, which Defendants used, and continue
20 to use, to their significant financial gain, also constitute unlawful competition and
21 provide an unlawful advantage over Defendants' competitors as well as injury to
22 the general public.

23 108. Plaintiffs seek, on behalf of those similarly situated, full restitution of
24 monies, as necessary and according to proof, to restore any and all monies acquired
25 by Defendants from Plaintiffs, the general public, or those similarly situated by
26 means of the false, misleading and deceptive advertising and marketing practices
27 complained of herein, plus interest thereon.

28

1 109. Plaintiffs seek, on behalf of those similarly situated, an injunction to
2 prohibit Defendants from continuing to engage in the false, misleading and
3 deceptive advertising and marketing practices complained of herein. The acts
4 complained of herein occurred, at least in part, within four (4) years preceding the
5 filing of this Class Action Complaint.

6 110. Plaintiffs and those similarly situated are further entitled to and do
7 seek both a declaration that the above-described practices constitute false,
8 misleading and deceptive advertising, and injunctive relief restraining Defendants
9 from engaging in any such advertising and marketing practices in the future. Such
10 misconduct by Defendants, unless and until enjoined and restrained by order of this
11 Court, will continue to cause injury in fact to Plaintiffs and the general public and
12 the loss of money and property in that the Defendants will continue to violate the
13 laws of California, unless specifically ordered to comply with the same. This
14 expectation of future violations will require current and future customers to
15 repeatedly and continuously seek legal redress in order to recover monies paid to
16 Defendants to which Defendants are not entitled. Plaintiffs, those similarly situated
17 and/or other consumers nationwide have no other adequate remedy at law to ensure
18 future compliance with the California Business and Professions Code alleged to
19 have been violated herein.

20 111. As a direct and proximate result of such actions, Plaintiffs and the
21 other members of the Class have suffered, and continue to suffer, injury in fact and
22 have lost money and/or property as a result of such false, deceptive and misleading
23 advertising in an amount which will be proven at trial, but which is in excess of the
24 jurisdictional minimum of this Court.

PLAINTIFF'S THIRD CAUSE OF ACTION

(False Advertising, Bus. Prof. Code § 1750, et. seq.)

Plaintiffs on behalf of themselves and the Class v. AMS and SCRAM

112. Plaintiffs re-allege and incorporate by reference the paragraphs of this Class Action Complaint as if set forth herein.

113. This cause of action is brought pursuant to the California Consumers Legal Remedies Act, California Civil Code § 1750, *et. seq.* ("CLRA").

114. Defendants' actions, representations and conduct have violated, and continue to violate the CLRA, because they extend to transactions that are intended to result, or which have resulted, in the sale or lease of goods or services to consumers.

115. Plaintiffs and other class members are "consumers" as that term is defined by the CLRA in California Civil Code § 1761(d).

116. The Products that Plaintiffs (and others similarly situated class members) purchased from Defendants were "goods" within the meaning of California Civil Code § 1761(a).

117. By engaging in the actions, representations and conduct set forth in this Class Action Complaint, Defendants have violated, and continue to violate, § 1770(a)(2), § 1770(a)(4), § 1770(a)(5), § 1770(a)(7), and § 1770(a)(9) of the CLRA. In violation of California Civil Code §1770(a)(2), Defendants' acts and practices constitute improper representations regarding the source, sponsorship, approval, or certification of the goods they sold. In violation of California Civil Code §1770(a)(4), Defendants' acts and practices constitute improper representations or designations of geographic origin in connection with goods or service. In violation of California Civil Code §1770(a)(5), the said Defendants' acts and practices constitute improper representations that the goods they sell have sponsorship, approval, characteristics, uses, benefits, or quantities, which they do not have. In violation of California Civil Code §1770(a)(7), Defendants' acts and

1 practices constitute improper representations that the goods they sell are of a
 2 particular standard, quality, or grade, when they are of another. In violation of
 3 California Civil Code §1770(a)(9), Defendants have advertised goods or services
 4 with intent not to sell them as advertised.

5 118. If Defendants are not restrained from engaging in these types of
 6 practices in the future, Plaintiffs and the other members of the Class will continue
 7 to suffer harm.

8 119. Plaintiffs also requests that this Court award him costs and reasonable
 9 attorneys' fees pursuant to California Civil Code § 1780(d).

10 **PLAINTIFF'S FOURTH CAUSE OF ACTION**

11 **(Fraud, Deceit and/or Misrepresentation)**

12 **Plaintiffs on behalf of themselves and the Class v. AMS and SCRAM**

13 120. Plaintiffs re-allege and incorporate by reference the paragraphs of this
 14 Class Action Complaint as if set forth herein.

15 121. At various times throughout the class period, Defendants fraudulently
 16 and deceptively led Plaintiffs to believe that Defendants' sold and would maintain
 17 its Products that was and still is able to make an accurate determination if the
 18 wearer tried on environmental products that contained alcohol, or if there was an
 19 actual drinking episode. Defendants failed to inform Plaintiffs that due to their use
 20 of defective and low-quality Products. Further, Defendants never inform customers
 21 who purchase their products not to use environmental products that could lead to a
 22 false positive. : (a) their products were never scientifically proven; (b) that if a
 23 false positive or actual drinking episode occurred, that the wearer would not be
 24 notified within weeks that would leave the wearer no chance to try and have a
 25 blood test done in time to refute the readings whether false or positive; (c) and that
 26 if the wearer purchases his or her own USB cable for the purposes of uploading
 27 daily readings, from a local department store, that the wearer would be charged as
 28 if they purchased the cable from Scram or AMS.

1 122. These omissions were material at the time they were made. They
2 concerned material facts that were essential to the analysis undertaken by Plaintiffs
3 as to whether to purchase Defendants' Products.

4 123. Defendants made identical misrepresentations and omissions to
5 members of the Scram Class regarding Defendants' Products.

6 124. In not so informing Plaintiffs and the members of the Scram Class,
7 Defendants breached their duty to them. Defendants also gained financially from,
8 and as a result of, their breach.

9 125. Plaintiffs and those similarly situated relied to their detriment on
10 Defendants' fraudulent omissions. Had Plaintiffs and those similarly situated been
11 adequately informed and not intentionally deceived by Defendants, they would
12 have acted differently by, without limitation, not purchasing (or paying less for)
13 Defendants' Products.

14 126. By and through such fraud, deceit, misrepresentations and/or
15 omissions, Defendants intended to induce Plaintiffs and those similarly situated to
16 alter their position to their detriment. Specifically, Defendants fraudulently and
17 deceptively induced Plaintiffs and those similarly situated to, without limitation, to
18 purchase the Scram Product.

19 127. Plaintiffs and those similarly situated justifiably and reasonably relied
20 on Defendants' omissions, and, accordingly, were damaged by the Defendants.

21 128. As a direct and proximate result of Defendants' misrepresentations,
22 Plaintiffs and those similarly situated have suffered damages, including, without
23 limitation, the amount they paid for the Defendants' Product.

24 129. Defendants' conduct as described herein was willful and malicious
25 and was designed to maximize Defendants' profits even though Defendants knew
26 that it would cause loss and harm to Plaintiffs and those similarly situated.

27
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Roseanne Hansen, and Jennifer Oh and the Class Members pray for judgment as follows:

1. An order certifying that this case proceed as a Class Action pursuant to Federal Rules of Civil Procedure, rule 23;
2. Provision of class notice to all members of the Class;
3. A declaratory judgment that Defendants have knowingly, intentionally and maliciously violated state and federal law and each of the provisions;
4. An order requiring Defendants to pay restitution of all amounts owed to the Plaintiffs by the Defendants;
5. For general and special damages in an amount according to proof;
6. For punitive damages in an amount sufficient to punish Defendants and deter them from engaging in similar conduct in the future pursuant to Code of Civil Procedure § 3294;
7. An award of reasonable attorneys' fees and costs; and
8. An award to Plaintiffs and the Class of such other and further relief as this Court deems just and proper.

Dated: February 23, 2016 By: /S/ Edwin I. Aimufua, Esq.

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*Attorneys for Plaintiffs Rosanne Hansen,
Jennifer Oh, on their own behalf, and behalf
of all others similarly situated*

JURY TRIAL DEMANDED

Plaintiff's are entitled to, and demands, a trial by jury pursuant to Seventh Amendment to the United States Constitution.

Dated: February 23, 2016 By: /S/ Edwin I. Aimufua, Esq.

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