

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

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Case No.

MARTIN BASQUE and SHAUNA  
GRIFFIN, individually and on  
behalf of all others similarly situated,

**CLASS ACTION COMPLAINT  
JURY TRIAL DEMANDED**

*Plaintiffs,*

-v-

NOURISHLIFE, LLC,

*Defendant*

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**CLASS ACTION COMPLAINT**

Plaintiffs, Martin Basque and Shauna Griffin, individually, and on behalf of all other similarly situated persons (hereinafter “the Class”), by and through their undersigned counsel, bring this class action complaint against Defendant, NourishLife, LLC (“NourishLife”) for damages and other relief pursuant to federal and state consumer protection statutes, the Unfair Trade Practices Act, and demand a trial by jury.

**I. OVERVIEW**

1. Defendant NourishLife markets and sells “Speak” and “Speak Smooth” (hereinafter “products”), which has been defined as dietary supplements containing Omega-3 and -6 fatty acids, Vitamin E, Vitamin K, and other ingredients. The products’ formula was developed by a research scientist employed by the Children’s Hospital and Research Center Oakland (“CHRCO”). On or around June 3, 2008, Defendant acquired the rights from CHRCO to market the formula in the United States and world-wide. Since then, Defendant has and

continues to make false and misleading claims about the products. For example, Defendant, NourishLife, claims that the products contain seven nutrients in precise servings and ratios that, when combined, “supports cognitive function...support neurological health and provide essential nutrition.”<sup>1</sup>

2. Furthermore, Defendant claims that regular use of the products causes, or assists in causing, children to develop and maintain normal, healthy speech and language capacity, including in those children who have apraxia and autism spectrum disorders, among other developmental conditions.

3. In addition, Defendant alleges that the products treat or mitigate verbal apraxia and communication behavioral deficits in children who have autism spectrum disorders, among other developmental conditions.

4. Further, Defendant claims that children who use the products, including children who have apraxia and autism spectrum disorders, among other developmental conditions, are likely to obtain the rapid and significant speech, language, and other behavioral improvements reported by parent endorsers who appear in Defendant’s advertisements.

5. Yet Defendant makes these misrepresentations in order to prey upon parent’s innate desire to improve their children’s quality of life. Because of this, Defendant knows that it can sell a 60-count bottle of Speak softgels or capsules for a premium price. Specifically, Defendant sells the 60-count bottles of Speak for approximately \$71.95, and a 30-tablespoon bottle of Speak smooth for \$76.95. Defendant also offers one-box and two-box “Monthly Saver Plans,” where one or two boxes respectively ship every thirty days for a recurring, monthly charge of approximately \$56.95 and \$54.95 per box for Speak softgels or capsules, and

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<sup>1</sup> <http://www.speechnutrients.com/products/speak/>

approximately \$61.95 and \$59.95 per bottle for Speak smooth. Defendant recommends daily dosages between two to four capsules (one to two tablespoons of Speak smooth) for toddlers and four to six capsules (two tablespoons of Speak smooth) for older children, stating that increased benefits often are noted at higher dosages.

6. Defendant, NourishLife, charges a significant premium price when compared to over the counter dietary supplements containing the same vitamins which are available at significantly lower prices. As a result of Defendant's misrepresentations, Plaintiffs and the class have suffered out-of-pocket losses, did not receive the benefit from the bargain, and have been damaged.

## **II. JURISDICTION AND VENUE**

7. This Court has original jurisdiction over this action under 28 U.S.C. § 1332(d) because this is a class action in which: (1) the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs; (2) a member of the class of Plaintiffs is a citizen of a State different from a defendant; and (3) the number of members of all proposed Plaintiffs classes in the aggregate is greater than 100.

8. This Court has personal jurisdiction over Defendant because a substantial portion of the wrongdoings alleged herein occurred in Florida. Defendant also has sufficient minimum contacts with Florida, and has otherwise intentionally availed itself to the markets in Florida through the promotion, marketing, and sale of products sufficient to render the exercise of jurisdiction by this Court permissible under traditional notions of fair play and substantial justice.

9. Venue is proper in this District pursuant to 28 U.S.C. § 139(b)(2) and (3) because a substantial part of the events or omissions giving rise to these claims occurred in this District, a

substantial part of the property that is the subject of this action is situated in this District, and Defendant is subject to the Court's personal jurisdiction with respect to this action.

### **III. PARTIES**

10. Plaintiff, Martin Basque, is a resident of the State of Florida. Plaintiff purchased the products sold by NourishLife on or about September 15, 2012. Plaintiff was deceived by Defendant's misrepresentations regarding the products. Plaintiff did not receive the benefit of the bargain and suffered harm and out-of-pocket losses as a result of Defendant's misrepresentations.

11. Plaintiff, Shauna Griffin, is a resident of the State of Florida. Plaintiff purchased the products sold by NourishLife on or about June 6, 2013. Plaintiff was deceived by Defendant's misrepresentations regarding the products. Plaintiff did not receive the benefit of the bargain and suffered harm and out-of-pocket losses as a result of Defendant's misrepresentations.

12. Defendant, NourishLife, also doing business as SpeechNutrients, Lifenutrients, PharmaOmega, and BeneOmega, is an Illinois limited liability company with its principal place of business at 272 East Deerpath Road, Suite 244, Lake Forest, IL 60045. NourishLife has marketed the products in this District and throughout the United States. At all times material to this complaint, acting alone, or in concert with others, NourishLife has labeled, advertised, marketed, distributed, or sold the products to consumers throughout the United States.

### **IV. FACTS**

13. Since at least 2008, Defendant has labeled, advertised, marketed, distributed, and sold the products to the public, directly and through a network of distributors, which, among others, include physicians, therapists, and pharmacies. Defendant has advertised and promoted

the products through websites, such as SpeechNutrients.com and apraxiaresearch.com; search engine and display advertising; email; social media; direct mail; brochures; posters; product samples; and corporate sponsorships of various conferences on autism spectrum disorders and other childhood developmental conditions. Defendant has presented, among other things, through express and implied claims and consumer endorsements, that the products develop and maintain normal, healthy speech and language capacity in children, including in children who have autism spectrum disorders and verbal apraxia (a condition in which a child's brain has difficulty coordinating and directing movements required to form words), among other developmental conditions, and that the products are clinically proven to reduce these claimed results.

14. To induce consumers to purchase the products, Defendant has disseminated or caused to be disseminated, advertisements and promotional materials for the products, including but not limited to, the attached Exhibits A through H.

15. Defendant also has entered into agreements with Google to preferentially display a textual link or "sponsored link" to a website marketing the products, in response to searches that consumers perform on Google's search engine about childhood speech and language development. As a result, if consumers entered terms such as "toddler speech problems," "help my child talk," "verbal apraxia treatment," "autism treatment," "speech delay treatment," "child speech development," or "3 year old not talking," into Google's search engine, a sponsored link for the products appears at the top or the right-hand-side of the search results returned, such as Exhibit G. Clicking on one of Defendant's sponsored links for the products causes a webpage or "landing page" to appear, such as Exhibit H

16. Defendant also has promoted the products through the website [apraxiaresearch.com](http://apraxiaresearch.com) (“Apraxia Research website”), to which the SpeechNutrients website linked. The Apraxia Research website purported to provide research and other scientific information relating to the treatment of apraxia. In fact, the website promoted the health benefits of an “omega 3/vitamin E speech supplement” for children and reported “Parental Feedback,” which consisted of testimonials from parents who gave their children a “patented omega3/vitamin E speech supplement.” At the time Defendant disseminated the Apraxia Research website, NourishLife was the only seller of an Omega-3 fatty acid and Vitamin E supplement purported to be a patented formula to develop speech in children. The Apraxia Research website also solicited participation in an “ongoing Study Group,” which Defendant controlled and conducted, to investigate an “omega 3/vitamin E speech supplement.” Parents who applied to participate in this study group received a free product trial for Defendant’s products and, if not accepted into the study group, coupons to purchase the products at a discounted price. The Apraxia Research website did not disclose that Defendant NourishLife was the owner, developer, and operator of the website.

17. Through the Apraxia Research website and the SpeechNutrients website, as well as other means, Defendant recruited parents to participate in a trial for the products. Parents who were accepted to participate received a free, two -to-three- month supply of the products, in exchange for reporting on their child’s experience with the product. These complimentary products retailed in the amount of approximately \$143 and \$215, depending on whether the parent received a two-month or three-month supply. In many instances, Defendant obtained testimonials from these parents, which subsequently have appeared in Defendant’s advertisements and promotional materials for the products, including the Apraxia Research website, SpeechNutrients website, consumer product brochures, and search advertising. *See*

Exhibits A through H. Such advertisements and promotional materials containing these testimonials have not disclosed that parents endorsing NourishLife products received complimentary products from Defendant.

18. The SpeechNutrients website also includes a testimonial endorsing the products from Kristin Selby Gonzalez, who is identified as the Chairman of the non-profit organization, Autism Hope Alliance. Ms. Gonzalez also authored “Kristin’s Korner Blog: The Vitamin E Omega-3 Connection,” which appears on the SpeechNutrients website, among other places. Defendant has provided complementary NourishLife products to Ms. Gonzalez, on an ongoing-basis, since at least February, 2012. Advertisements and promotional materials for the products containing Ms. Gonzalez’s endorsement and her blog discussion on the benefits of Vitamin E and Omega-3 supplementation have not disclosed Ms. Gonzalez’s receipt of free products from Defendant.

## **HEALTH/MEDICAL SCAM**

A scammer sells products that cannot back their claim of being medically effective or beneficial to health.

### **How this scam works**

A scammer sells medications, vitamin supplements, exercise equipment or other products that claim to help you lose weight, clear your skin, stop snoring, eliminate cellulite, or provide other health or medical benefits. These products have not been proven safe or effective. Besides providing no real benefit, these products can be detrimental to your health.

19. NourishLife manufactures, markets and sells Speak products in softgel capsules, claiming that the supplement aids in neurological health and provides essential nutrition:

### **How Speak Works**

Formulated by a pediatrician and noted researcher, the speak® formulation includes seven nutrients in precise servings and ratios for children with special nutritional needs. Each serving of SpeechNutrients speak® contains concentrated, ultra-purified omega-3 (725 mg EPA, 275 mg DHA) in addition to rich amounts of two forms of vitamin E. Omega-3 supports cognitive function and is paired

with the antioxidant vitamin E. Optimal amounts of both d-alpha and gamma tocopherols function as key antioxidants and operate with omega-3 fats to support neurological health and provide essential nutrition. Due to the theoretical blood thinning effects of omega-3 and vitamin E, vitamin K (a normal and healthy blood clotting nutrient) is also included. This precise combination of purified ingredients is delivered in convenient 2-capsule servings, NEW Pure Oil which can be poured directly from the bottle, or our delicious speak® Smooth in a 1 Tbsp serving resulting in greater ease of use for parents and children.<sup>2</sup>

20. NourishLife claims that its softgel product contains the following active ingredients: Vitamin E, GLA, Vitamin K, and Omega 3.<sup>3</sup> NourishLife represents that these ingredients in the softgel products are scientifically-proven to aid childhood development. In fact, these research studies regard the benefits of general vitamin consumption, not one product specifically.<sup>4</sup>

21. The National Advertising Division (“NAD”) challenged the express and implied claims Nourishlife made concerning its products. As a general rule, health-related claims must be supported by competent reliable scientific evidence. The NAD recommended that Noursishlife discontinue its claims not supported by competent reliable scientific evidence.

22. Specifically, the NAD determined that the advertiser’s evidence was insufficient for its claims that the products provide nutritional support of verbal and motor skills and normal and healthy speech development and reduce oxidative stress. NAD also recommended that the advertiser discontinue its claim, “mounting clinical evidence and hundreds of parental reports indicate this special blend of nutrients provides targeted benefits” as it lacked the required substantiation to make an establishment claim. NAD further recommended that the advertiser discontinue its use of testimonials to the extent the testimonials make unsupported product efficacy claims, as it lacked support for the underlying claims.

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<sup>2</sup> <http://www.speechnutrients.com/products/speak>

<sup>3</sup> *Id.*

<sup>4</sup> <http://www.speechnutrients.com/research>



23. Finally, the NAD recommended that the advertiser modify the www.apraxiaresearch.com website to disclose in a clear and conspicuous manner that NourishLife created and maintains the website.

24. Based on Defendant's misleading and deceptive sales scheme, Defendant was able to charge a premium for the NourishLife products.

25. For example, NourishLife charged \$69.95 for a bottle of regular capsules compared to about \$40 total for purchasing 4 separate bottles of Vitamin E, Vitamin K, and Omega-3.

26. Similarly, NourishLife charged \$74.95 for a bottle of Speak Smooth.

27. Plaintiffs, and the Class members they seek to represent, suffered economic damages by purchasing Defendant's products, did not receive the benefit of the bargain, suffered out-of-pocket loss, and are entitled to a full refund for their purchases.

#### **V. CLASS ACTION ALLEGATIONS**

28. Plaintiffs bring this action pursuant to Rule 23(b)(2) and Rule 23(b)(3) of the Federal Rules of Civil Procedure, on behalf of themselves and a Class defined as follows:

All persons in Florida who, within the Class Period, purchased Speak and Speak Smooth products manufactured, marketed or sold by NourishLife, LLC.

29. The following persons are expressly excluded from the Class: (1) Defendant and its subsidiaries and affiliates; (2) all persons who make a timely election to be excluded from the proposed Class; (3) governmental entities; and (4) the Court to which this case is assigned and its staff.

30. This action can be maintained as a class action because there is a well-defined community of interest in the litigation and the proposed Class is easily ascertainable.

31. **Numerosity:** Based upon Defendant's publicly available sales data with respect to its products, it is estimated that the Class numbers are potentially in the millions, and the joinder of all Class members is impracticable.

32. **Common Questions Predominate:** The action involves common questions of law and fact applicable to each Class member that predominate over questions that affect only individual Class members. Thus, proof of a common set of facts will establish the right to each Class member to recover. Questions of law and fact common to each Class member include, for example:

- a. Whether Defendant engaged in unfair, unlawful or deceptive business practices by failing to properly package and label Defendant's products sold to consumers;
- b. Whether the product at issue is misbranded or unlawfully packaged and labeled as a matter of law;
- c. Whether Defendant made unlawful and misleading claims regarding Defendant's products;
- d. Whether Defendant violated Florida's Consumer Protection Statutes §501.201-§501.213; Florida Deceptive and Unfair Trade Practice Act; Florida Intentional False Advertising Statute §817.44; Committed a Breach of Express Warranty; Breach of Implied Warranty; Merchantability; Usage of Trade Pursuant to §§672.313-672.314 Florida Statutes; and Breach of Implied Warranty pursuant to Uniform Commercial Code §2-314, Negligence and Unjust Enrichment.
- e. Whether Plaintiffs and the Class are entitled to equitable and/or injunctive relief;
- f. Whether Defendant's unlawful, unfair and/or deceptive practices harmed Plaintiffs and the Class; and

g. Whether Defendant was unjustly enriched by its deceptive practices.

33. **Typicality:** Plaintiffs' claims are typical of the claims of the Class because Plaintiffs purchased Defendant's products during the Class period. Defendant's unlawful, unfair, and fraudulent actions concern the same business practices described herein irrespective of where they occurred or were experienced. The injuries of each member of the Class were caused directly by Defendant's wrongful conduct. In addition, the factual underpinning of Defendant's misconduct is common to all Class members and represents a common thread of misconduct resulting in injury to all members of the Class. Plaintiffs' claims arise from the same practices and course of conduct that give rise to the claims of the Class members and are based on the same legal theories.

34. **Adequacy:** Plaintiffs will fairly and adequately protect the interests of the Class. Neither Plaintiffs nor their counsel have any interests that conflict with or are antagonistic to the interests of the Class members. Plaintiffs have retained highly competent and experienced class action attorneys to represent their interests and those of the members of the Class. Plaintiffs and their counsel have the necessary resources to adequately and vigorously litigate this class action, and Plaintiffs and their counsel are aware of their fiduciary responsibilities to the Class members and will diligently discharge those duties by vigorously seeking the maximum possible recovery for the Class.

35. **Superiority:** There is no plain, speedy, or adequate remedy other than by maintenance of this class action. The prosecution of individual remedies by members of the Class will tend to establish inconsistent standards of conduct for Defendant and result in the impairment of Class members' rights and the disposition of their interests through actions to which they are not parties. Class Action treatment will permit a large number of similarly

situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of effort and expense that numerous individual actions would create. Further, as the damages suffered by individual members of the Class may be relatively small, the expense and burden of individual litigation would make it difficult or impossible for individual members of the Class to redress the wrongs done to them, while an important public interest will be served by addressing the matter as a class action. Class treatment of common questions of law and fact would also be superior to multiple individual actions or piecemeal litigation in that class treatment will conserve the resources of the Court and the litigants, and will promote consistency and efficiency of adjudication.

36. The prerequisites to maintaining a class action for injunctive or equitable relief pursuant to Fed. R. Civ. P. 23(b)(2), are met as Defendant has acted or refused to act on grounds generally applicable to the Class, thereby making appropriate injunctive or equitable relief with respect to the Class as a whole.

37. The prerequisites to maintain a class action pursuant to Fed R. Civ. P. 23(b)(3) are met as questions of law or fact common to class members, predominate over any questions affecting only individual members, and a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.

38. Plaintiffs and their counsel are unaware of any difficulties that are likely to be encountered in the management of this action that would preclude its maintenance as a class action.

39. Plaintiffs are members of the Class they seek to represent. Plaintiffs' claims are typical of the Class members' claims. Plaintiffs will fairly and adequately protect the interests of the Class in that Plaintiffs' claims are typical and representative of the Class.

40. There are no unique defenses which may be asserted against Plaintiffs individually, as distinguished from the Class. The claims of Plaintiffs are the same as those of the Class.

41. No conflicts of interest exist between Plaintiffs and the other Class members. Plaintiffs have retained counsel that is competent and experienced in complex class action litigation. Plaintiffs and their counsel will fairly and adequately represent and protect the interests of the Class.

42. This class action is superior to any other methods for the fair and efficient adjudication of this dispute.

## **VI. CAUSES OF ACTION**

### **COUNT I**

#### **VIOLATIONS OF FLORIDA CONSUMER PROTECTION STATUTES §501.201-§501.213, FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT**

43. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 42 above as if fully set forth herein.

44. Defendant's conduct constitutes unlawful, unfair and deceptive business acts and trade practices. Defendant sold Speak and Speak Smooth products during the class period.

45. At all relevant times, the Florida Consumer Protection Statute § 501.204 (2012) has prohibited "unlawful," "fraudulent" or "unfair" business acts or practice and any false or misleading advertising. Defendant has engaged in unfair, deceptive, untrue and misleading advertising in violation of Florida Consumer Protection Statute §501.

46. The Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”) also prohibits any “unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce.” Defendant has violated §501.204’s prohibition against engaging in unlawful acts and practices by, *inter alia*, making the representations and omissions of material facts, as set forth more fully herein, and have violated FDUTPA. Fla. Stat. §501.204(1).

47. Plaintiffs and the Class reserve the right to allege other violations of law which constitute other unlawful business acts or practices. Such conduct is ongoing to this date.

48. Pursuant to the Florida Consumer Protection Statue and the Florida Deceptive and Unfair Trade Practices Act, Defendant had a statutory duty to refrain from unfair or deceptive acts or practices in the manufacture, promotion, and sale of the products to Plaintiffs and the Class members.

49. Defendant’s acts, omissions, misrepresentations, practices and non-disclosures as alleged herein also constitute “unfair” business acts and practices within the meaning of The Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. §§501.201-501.213 (2014) in that their conduct is substantially injurious to consumers, offends public policy, and is immoral, unethical, oppressive and unscrupulous as the gravity of the conduct outweighs any alleged benefits attributed to such conduct.

50. As stated in this Complaint, Plaintiffs allege violations of consumer protection, unfair competition, and truth-in-advertising laws in Florida resulting in harm to consumers. Defendant’s conduct constitutes violations Federal and State law, and violates the public policies against engaging in false and misleading advertising, unfair competition and deceptive conduct

towards consumers as proscribed by Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. §§501.201-501.213 (2014).

51. There were reasonably available alternatives to further Defendant's legitimate business interests, other than the conduct described herein.

52. Defendant's claims, nondisclosures and misleading statements, as more fully set forth above and collectively as a scheme, were false, misleading and likely to deceive the consuming public within the meaning of Florida Deceptive and Unfair Trade Practices Act.

53. Defendant's deceptive conduct constitutes a prohibited practice, which directly and proximately caused and continues to cause substantial injury to Plaintiffs and the other Class members. Plaintiffs and Class members have suffered injury in fact, actual damages, and have lost money as a result of Defendant's unlawful, unfair and fraudulent conduct. Plaintiffs' damages are the difference in the market value of the product or service in the condition in which it was delivered and its market value in the condition in which it should have been delivered according to the contract of the parties. Defendant's deceptively labeled, and falsely advertised, and misbranded products have little to no market value.

54. Unless restrained and enjoined, Defendant will continue to engage in the above-described conduct. Accordingly, injunctive relief is appropriate.

55. Plaintiffs, on behalf of themselves, and all others similarly situated, seek restitution and disgorgement of all money obtained from Plaintiffs and the members of the Class collected as a result of unfair competitions, an injunction prohibiting Defendant from containing such practices, corrective advertising, including providing notification of the product's health risks, and all other relief this Court deems appropriate, consistent with Florida Deceptive and Unfair Trade Practices Act including attorney's fees and costs.

**COUNT II**

**VIOLATION OF FLORIDA INTENTIONAL  
FALSE ADVERTISING STATUTE §817.44**

56. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 42 above as if fully set forth herein.

57. Defendant knowingly and intentionally engaged in false advertising concerning its products and the claimed benefits. Defendant's conduct was consumer-oriented and this conduct had a broad impact on consumers at large.

58. Defendant's actions were unlawful and under the circumstances, Defendant had actual knowledge of the falsity, or at the very least ought to have known of the falsity thereof.

59. Fla. Stat. § 817.44 (2014) defines "false advertising" as "invitations for offers for the sale of any property, real or personal, tangible or intangible, or any services, professional or otherwise, by placing or causing to be placed before the general public, by any means whatever, an advertisement describing such property or services as part of a plan or scheme with the intent not to sell such property or services so advertised."

60. Defendant intentionally, falsely advertised its Speak and Speak Smooth products in Florida and throughout the United States.

61. As fully alleged above, by intentionally and knowingly advertising, marketing, distributing and selling falsely advertised products to Plaintiffs and other members of the Class who purchased Speak and Speak Smooth in Florida, Defendant engaged in, and continues to engage in, false advertising in violation of Fla. Stat. § 817.44 (2014).

62. Defendant's misleading marketing, advertising, packaging and labeling of its products were likely to deceive reasonable consumers.



63. Plaintiffs and other members of the Class who purchased Speak and Speak Smooth in Florida were deceived.

**COUNT III**

**BREACH OF EXPRESS WARRANTY; IMPLIED WARRANTY;  
MERCHANTABILITY; USAGE OF TRADE PURSUANT TO  
§§ 672.313-672.314 FLORIDA STATUTES**

64. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 42 above as if fully set forth herein.

65. Defendant is in the business of selling vitamin supplements to consumers such as Plaintiffs and the members of the Class, including but not limited to supplements of the kind sold to Plaintiffs and the members of the Class.

66. Plaintiffs and the members of the Class purchased Defendant's Speak and Speak Smooth products.

67. Defendant expressly and impliedly warranted that regular use of the products causes, or assists in causing, children to develop and maintain normal, healthy speech and language capacity, including in those children who have apraxia and autism spectrum disorders, among other developmental conditions.

68. The products, in fact, do not conform to these express or implied representations. Thus, Defendant breached its express and implied warranties.

69. As a direct and proximate result of the breach of said warranties, Plaintiffs and the Class members suffered and/or will continue to be harmed and suffer economic loss.

70. Plaintiffs and the Class members did rely on the express and implied warranties of the Defendant herein.

71. Defendant knew or should have known that said representations and warranties were false, misleading and untrue.

72. Defendant's conduct breached its express and implied warranties in violation of, among other state express warranty laws, FL. Stat. Ann. §§ 672.313-672.314.

73. The above referenced statutes do not require privity of contract to recover for breach of express warranty.

74. Within a reasonable time after they knew or should have known of such breach, Plaintiffs, on behalf of themselves and members of the Class, placed Defendant on notice thereof.

75. As a direct and proximate result of the foregoing acts and/or omissions, Plaintiffs and the Class members have suffered damages entitling them to compensatory damages, equitable and declaratory relief, punitive damages, costs and reasonable attorneys' fees.

#### **COUNT IV**

##### **BREACH OF IMPLIED WARRANTY PURSUANT TO UNIFORM COMMERCIAL CODE §2-314**

76. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 42 above as if fully set forth herein.

The Uniform Commercial Code §2-314 provides that, unless excluded or modified, a warranty that the goods shall be merchantable is implied in a contract for their sale if the seller is a merchant with respect to goods of the kind.

77. At all times, Florida has codified and adopted the provisions the Uniform Commercial Code governing the implied warranty of merchantability. Fla. Stat. §672.314 (2014).

78. Defendant's Speak and Speak Smooth products are "goods" as defined in the various states' commercial codes governing the implied warranty of merchantability, including Florida.

79. As designers, manufacturers, licensors, producers, marketers, and sellers of Speak and Speak Smooth, Defendant is a "merchant" within the meaning of the various states' commercial codes governing the implied warranty of merchantability, including Florida.

80. By placing Speak and Speak Smooth in the stream of commerce, Defendant impliedly warranted that the products' marketing and advertising claims were true, i.e. that the products improve speech function.

81. As merchants of Speak and Speak Smooth, Defendant knew that purchasers relied upon them to design, manufacture, license and sell products that were not deceptively marketed, and in fact members of the public, including Plaintiffs, reasonably relied upon the skill and judgment of Defendant and upon said implied warranties in purchasing and consuming Speak and Speak Smooth.

82. Plaintiffs and the Class members purchased Speak and Speak Smooth for their intended purpose.

83. Speak's and Speak Smooth's defects were not open or obvious to consumers, including Plaintiffs and the Class, who could not have known about the true nature and contents of Defendants' products.

84. As a direct and proximate result of Defendant's breach of implied warranties, Plaintiffs and Class members have sustained injuries by purchasing Speak and Speak Smooth, which were not as represented, thus entitling Plaintiffs to judgment and equitable relief against Defendant, as well as restitution, including all monies paid for Speak and Speak Smooth and

disgorgement of profits from Defendant received from sales of these products, attorneys' fees and costs, as set forth in the Prayer for Relief.

**COUNT V**  
**NEGLIGENCE**

85. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 42 above as if fully set forth herein.

86. Defendant had a duty to represent their products accurately. Defendant breached that duty by purposefully or negligently making misrepresentations of fact and omissions of material fact to Plaintiffs and the other Class members about Speak and Speak Smooth products.

87. Defendant failed to label or advertise Speak and Speak Smooth products in a lawful manner and violated their duties owed to consumers by purposefully or negligently engaging in the conduct described herein.

88. Plaintiffs and the other Class members, as a direct and proximate cause of Defendant's breach of their duties, were damaged by receiving worthless products, or at the very least, misbranded and deceptively labeled products.

89. As described above, Defendant's actions violated a number of express statutory provisions designed to protect Plaintiffs and the Class.

90. Defendant's illegal actions constitute negligence *per se*.

91. Moreover, the statutory labeling and misbranding provisions violated by Defendant are strict liability provisions.

92. By reason of the foregoing, Plaintiffs and the other Class members have suffered damages in an amount to be determined at trial.

**COUNT VI**

**UNJUST ENRICHMENT**

93. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 42 above as if fully set forth herein.

94. At all relevant times, Defendant designed, manufactured, produced, marketed and/or sold Speak and Speak Smooth.

95. Defendant has benefitted from its unlawful acts by receiving payments for the sales of the products.

96. Plaintiffs and the Class members conferred non-gratuitous benefits upon Defendant by paying for the products.

97. Defendant appreciated, or had knowledge of the non-gratuitous benefits conferred upon them by Plaintiffs and the Class members.

98. Defendant accepted or retained the non-gratuitous benefits conferred by Plaintiffs and the Class members, with full knowledge that, as a result of Defendant's unconscionable wrongdoing, Plaintiffs and the Class members were not receiving products of the high quality, nature, fitness, or value as reasonable consumers expected. Allowing Defendant to retain the non-gratuitous benefits Plaintiffs and the Class members conferred would be unjust and inequitable under these circumstances.

99. Because Defendant's retention of the non-gratuitous benefits conferred by Plaintiffs and the Class members would be unjust and inequitable, Plaintiffs and the Class members are entitled to, and hereby seek disgorgement and restitution of Defendant's wrongful profits, revenue, and benefits in a manner established by the Court.

## **VII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs and the Class members request that the Court enter an order or judgment against Defendant including the following:

- a. Certification of the action as a class action pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure; appointment of Plaintiffs as the Class Representatives and appointment of their counsel as Class Counsel;
- b. Damages in the amount of monies paid for the products;
- c. Actual damages, statutory damages, punitive or treble damages, and such other relief as provided by the statutes cited herein;
- d. Pre-judgment and post-judgment interest on such monetary relief;
- e. Other appropriate injunctive relief;
- f. The costs of bringing this suit, including reasonable attorneys' fees; and
- g. All other relief to which Plaintiffs and the Class members may be entitled at law or in equity.

## **VIII. JURY DEMAND**

Plaintiffs hereby demand trial by jury on their own behalf, and on behalf of the absent Class members, on all issues and claims presented above.

Dated: January 21, 2015.

Respectfully submitted,

By: /s/ P. Tim Howard  
Tim Howard, J.D., Ph.D.  
Florida Bar No.: 655325

**HOWARD & ASSOCIATES, P.A**

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# **EXHIBIT A**





**SpeechNutrients™**

Looking to purchase speak™ in Europe? | Translate this page:



Visit our Brazilian partner's site

Questions? Call 1-800-471-0358



Cart

Search

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Home

About Our  
Products

Order  
Online

Scientific  
Research

Community  
Resources

About  
NourishLife

Info for  
New Parents

Sign up to receive important updates  
and announcements

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\* Email:

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Tuesday, July 2, 2013



## Nutritional support for healthy speech development

### SPEECHNUTRIENTS SPEAK™ SMOOTH

speak™ Smooth is a nutritional formula developed by a pediatrician to support normal and healthy speech development and maintenance.

Mounting clinical evidence and hundreds of parental reports indicate this special blend of nutrients provides targeted benefits including:

- Nutritional support of verbal and motor skills
- Reduction in oxidative stress
- Promotion of a healthy inflammatory response

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The SpeechNutrients speak™ Starter Kit has helped thousands of families get started with speak™ in a cost effective way.

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### Travel Size Smooth

Delicious speak Smooth is now available in individual convenient travel packs.

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### New delicious speak™ Smooth

Speak Smooth liquid contains the same nutrients in speak in a delicious smoothie type liquid.

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Home » Research and Studies

## Research and Studies

**PUBLISHED RESEARCH REGARDING THE ROLE OF OMEGA-3 AND VITAMIN E SUPPLEMENTATION IN CHILDREN: SCIENTISTS PROCLAIM OMEGA-3 SUPPLEMENTATION EFFECTIVE IN LEARNING.**

A study published in the July/August 2009 journal **Alternative Therapies in Health and Medicine** describes the benefits noted in 97% of participants while taking a nutritional combination comprised of omega-3 and vitamin E.

To learn more about this study, [click here](#).



### Begin with our Starter Kits

The SpeechNutrients speak™ Starter Kit has helped thousands of families get started with speak™ in a cost effective way.

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## The Oxford-Durham Schools Trials

### Initial Trial results summary:

The most comprehensive and thorough trial yet of how omega-3 may be applied in the classroom. This trial was run by the British Government through its Durham Education Authority. During the course of 2002, **more than 100 children at 12 different schools** were daily given either active or placebo capsules in a double-blind, randomized format. **More than 12,000 assessments were undertaken in the course of the year.** The first results were published in the *American Journal Pediatrics* and showed **very significant improvements** for active treatment versus placebo in reading, spelling, and behavior over 3 months of treatment in parallel groups. After the crossover, similar changes were seen in the placebo-active group, whereas children continuing with active treatment maintained or improved their progress.

*"The response has been very encouraging. In very broad terms, we saw that up to 40% of children in the trial showed dramatic improvements. In some individual cases, we saw reading age gains of between 18 months and 4 years, and attention gains of as much as 400%."*

—Dr. Madeleine Portwood, Senior Educational Psychologist

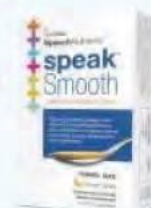
[Read more about this study](#)



### Travel Size Smooth

Delicious speak Smooth is now available in individual convenient travel packs.

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### New delicious speak™ Smooth

Speak Smooth liquid contains the same nutrients in speak in a delicious smoothie type liquid.

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### SPEAK™

#### Hypo-allergenic, Pediatrician Formulated

The pediatrician formulated omega-3 and vitamin E speech development formula that provides the precise serving and ratio of important nutrients needed for normal and healthy speech and coordination. Each box contains sixty capsules or twist off capsules.

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### SPEAK™ SMOOTH

#### Hypo-allergenic, Pediatrician Formulated

speak™ Smooth contains the same effective omega-3 and vitamin E formulation as our original speak in a delicious, smoothie type liquid. Each bottle of smooth contains 30 tablespoons which is the equivalent of 60 capsules.

[Learn More](#)

[Order Now](#)

[To learn more about smooth Travel Packs, visit here](#)



### SPEAK™ STARTER KIT

#### New families receive our speak™ Starter Kit at a helpful introductory rate.

The SpeechNutrients speak™ Starter Kit has helped thousands of families get started in a cost effective way.

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### LIFETRIENTS LEARN™

#### Specially formulated for the nutritional needs of school-aged boys and girls.

learn™ is the safe and effective omega-3 supplement for school-aged children. The formulation contains the optimal dose and ratio of EPA and DHA for the nutritional needs of boys and girls.

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### LIFETRIENTS™ CHILD PROBIO 25

#### Broad-Spectrum Probiotic Support for Children

Lifetrients™ Child ProBio 25 is a high-potency probiotic supplement specifically formulated to support



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## Introducing New Smooth Travel Packs

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**Same delicious taste... now great for on the go!**



**Life is busy...  
Especially with active kids.  
Now take your speak™  
smooth on the go with  
our new Travel Packs.**

**Only  
\$14.95**



**Order your  
travel pack now**

Your kids love the taste of our new speak smooth. You love the ease of the liquid but realize there are times when it's not convenient to take the bottle with you. For those times, you'll love our new travel packs. Travel sized and ready for life on the go, they're the easiest way to make sure your child gets every dose of the important nutrients needed for healthy speech development.



So whether you're headed to the park, the pool, or to camp,  
take along speak™ smooth travel packs and be worry-free!



**SpeechNutrients™**

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†These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

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# **EXHIBIT B**



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## Make plans now to join this must-attend event...

The Medical Academy of Pediatric Special Needs  
Spectrum Standard of Care Conference 2012  
March 2-4 in Las Vegas, Nevada

The Medical Academy of Pediatric Special Needs (MAPS) is hosting a critically informative event for practitioners. Developed by leading scientists and physicians with a special interest in the treatment of Autism Spectrum Disorder (ASD), this conference reaches beyond the typical lecture series, bringing to life working case studies and supporting evidence to treat specific conditions.



[LEARN MORE ABOUT THE CONFERENCE HERE.](#)

SpeechNutrients is proud to be part of this groundbreaking event where you can learn more about speak™, our patented nutritional formula that was developed to support normal and healthy speech development and maintenance.

**Stop by our Booth #306 and pick up a Complimentary sample of our new liquid formula, speak smooth\*.**

Should you have any questions, please contact us at 800.471.0358 or email us at [info@speechnutrients.com](mailto:info@speechnutrients.com).

**Make your plans today. We look forward to seeing you in Las Vegas.**

\*speak™ smooth will be available in late February 2012



To learn more about speak™



# **EXHIBIT C**



nourishlife

**SpeechNutrients™ speak™**

Ask your  
Practitioner how the  
SpeechNutrients  
formulation can  
help your child

SpeechNutrients speak™ is a patented nutritional formula developed by a pediatrician to support healthy speech development and coordination. Join the 4,000+ speak families who have experienced targeted benefits including:

- Nutritional support of verbal and motor skills
- Reduction in oxidative stress
- Promotion of a healthy inflammatory response



TAKE ONE



nourishlife™

**SpeechNutrients™**

**speak™**

Formulated by a pediatrician to support normal and healthy speech development and maintenance.



Available online at [www.SpeechNutrients.com](http://www.SpeechNutrients.com)

# **EXHIBIT D**









# **EXHIBIT E**





# SpeechNutrients speak™ Dosage Information

## Dosage Recommendations:

Suggested dosage plan for getting started with speak. Continue with established dosing at 12 weeks and beyond:

Week	1	2	3	4	5	6	7	8	9	10	11	12+
Number of speak capsules per day	1	1	2	2	3	3	4	4	5	5	6	6

\* Start with 1 capsule of speak daily. After 2 weeks, increase the dosage to 2 capsules daily until reaching a possible dosage of 6 capsules per day over 12 weeks and beyond.

- Begin with one speak™ capsule daily (given with food) and increase slowly.
- Toddlers and smaller children may see the most benefits with 2 to 4 capsules per day.
- Older and larger children may see the most benefits with 4 to 6 capsules per day.
- Consider increasing dosage until no additional benefits are noted, at that point revert back to the prior weeks' dosage. Increased benefits are often noted at higher dosages.
- Administering speak for a minimum of 4 months may be required to determine potential benefits.

## Why is speak™ unique?

Omega-3 is found in many forms and combinations including high EPA, high EPA, and omega-3,6,9. While these may be beneficial for the general population, they do not contain the additional nutrients in doses and ratios necessary for the unique population of children concerned with speech and coordination. The higher amounts of the two forms of vitamin E contained in speak™ are critical components working synergistically with omega-3 to reduce oxidation and support a healthy inflammatory response. In addition, K1 and K2 (natural blood coagulants) are included in the formulation for nutrient balance due to the theoretical blood thinning effects of omega-3 and vitamin E.

Developed by a pediatrician and noted researcher, the unique omega-3 + vitamin E formulation contained in speak™ is produced under exclusive license to a formulation patent developed by the Children's Hospital & Research Center Oakland (CHRCO)



These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease. ©2012 NourishLife LLC



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# SpeechNutrients speak™ Nutrient Information

What are the nutrients in speak™?

Here's what you get in...

**2** speak™ capsules =



 <b>1- vitamin E</b> CONTAINING.....	200 mg gamma tocopherol
 <b>2- vitamin E</b> CONTAINING.....	500 IU d-alpha tocopherol
 <b>3- omega-3</b> CONTAINING.....	725 mg EPA eicosapentaenoic acid and 275 mg DHA docosahexaenoic acid
 <b>1- GLA</b> CONTAINING.....	60 mg GLA gamma linolenic acid
 <b>1- vitamin K 1</b> CONTAINING.....	2 mg phytonadione
 <b>1- vitamin K 2</b> CONTAINING.....	300 mcg menaquinone

**What about purity?**

We partner with the world's most esteemed producers of omega-3 fish oil for the speak formulation. The oil used is cold extracted, highly refined, depurified and molecularly distilled. Lab results are confirmed by third party tests. The omega-3 used meets or exceeds all U.S. and European standards for purity, complies with California Prop 65, and meets and exceeds the GOED (Global Organization for EPA and DHA) monograph. This partnership ensures that **SpeechNutrients speak™** contains the purest pharmaceutical grade oils with the ideal ratio of active EPA and DHA.

**The patented speak™ formulation includes 7 nutrients in doses and ratios determined to be most effective.** This precise combination of pharmaceutical grade ingredients is conveniently offered in softgel capsules to be swallowed and twist off capsules which allow the oil to be squirted directly into a child's mouth or easily mixed with foods or liquids.

**Are there any side effects?**  
Possible side effects are typically associated with omega-3 and vitamin E supplements (not unique to speak™). Moodiness, irritability, and emotional outbursts are sometimes reported in children during the first few days/weeks of omega-3 supplementation, however, this usually comes with increased babbling, imitation of sounds, and eventually words to sentences. Some children may experience loose stools when they begin supplementation with oil-based capsules; this usually resolves quickly.



## Supplement Facts

Serving Size 2 softgel capsules  
Servings per container: 30

Amount Per Serving	2 softgels	%DV for Children under 4 years of age	%DV for Adults 4 or more years of age
Calories	20		
<b>Total Fat</b>	5 g		2
Polysaturated Fat	2 g		
<b>Vitamin E</b>			
(as d-alpha tocopherol)	500 IU	5,000	1,665
(as Gamma tocopherol)	200 mg	+	+
<b>Vitamin K</b> (as K1 and K2)	2.3 mg	+	2,875
<b>Omega-3 Polysaturated Fatty Acids</b>			
Eicosapentaenoic Acid (EPA) 725 mg	+		+
Docosahexaenoic Acid (DHA) 275 mg	+		+
<b>Omega-6 Polysaturated Fatty Acids</b>			
Gamma-linolenic acid (GLA) 60 mg	+		+

**Ingredients:** Fish oil concentrate (from sardines, anchovies), d-alpha, gamma and natural mixed tocopherols (derived from refined soybean oil), borage oil, natural orange flavor, phytonadione, menaquinone. Capsule contents: gelatin, purified water USP, glycerin USP.

**DOES NOT CONTAIN:** milk, egg, tree nuts, wheat, peanuts, yeast, gluten, casein, sugar, starch, artificial flavor, colors or preservatives.



# **EXHIBIT F**

## NourishLife Speak Dosage Information / Questions

1. How should I begin supplementing with speak?
2. What is the correct dosage of speak for my child's height, weight, and age?
3. How often and at what times should I administer speak to my child?
4. How should I give speak to my child?
5. When should I begin to notice beneficial changes in my child?
6. Is speak effective for older children and does it take longer to start to work?
7. My child seems more emotional, weepy, agitated. Is this normal?
8. What are the possible side-effects of omega-3 and vitamin E supplementation?

### **1. How should I begin supplementing with speak?**

#### ***If your child is not currently taking omega-3 fish oil or vitamin E supplements:***

Start with 1 capsule of speak daily. After 2 weeks increase the dosage to 2 capsules daily until reaching a dosage of 4 capsules per day over 8 weeks. If you believe that your child will benefit from additional supplementation beyond 4 capsules, regardless of previous omega-3 supplementation, check with your healthcare practitioner (e.g.: Medical Doctor, Registered Dietitian, Certified Clinical Nutritionist, Naturopathic Doctor, Doctor of Osteopathy).

Suggested dosage plan for those not current taking fish oil or vitamin E supplements:

	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8
# of Speak capsules:	1	1	2	2	3	3	4	4

#### ***If your child is already taking individual omega-3 fish oil and vitamin E supplements:***

- First determine the current dosage amount of the active omega-3 (EPA and DHA) and vitamin E (if any) that your child is receiving with the existing supplement\* (usually listed clearly on the "Supplement Facts" panel. Be sure to determine the amount per serving or per capsule). This will provide you a baseline from which to start for an equivalent dosage. Some families administer both "High EFA" and "High EPA" supplements. Shown below is a chart illustrating the amounts of each ingredient and how 2 capsules of speak provide the essential equivalent to two capsules of the other supplements plus additional nutrients in speak provide added benefits and nutrient balance, not found in other omega-3 supplements.

*\*Feel free to contact SpeechNutrients at 1-847-471-0358 if you have any questions.*

	High EFA 1 cap	High EPA 1 cap	Speak 2 caps
<b>EPA</b>	270	425	725 mg
<b>DHA</b>	180	100	275 mg
<b>GLA</b>	66		60 mg
<b>Vitamin E (Alpha)</b>			500 iu
<b>Vitamin E (Gamma)</b>			200 mg
<b>Vitamin K1</b>			2 mg
<b>Vitamin K2</b>			300 mcg

- Once you have determined the amount you currently administering, select a comparable amount of speak and begin with that dosage (be sure to discontinue the other omega 3 supplements). Many families begin with 2 capsules of speak daily. After two weeks, increase intake to 3 capsules daily. And after another 2 weeks, increase intake to 4 capsules daily. Most families report success with a transition period, that is, replacing omega-3 in the current supplement with speak over time.
2. **What is the correct dosage of speak for my child's height, weight, and age?**  
Every child is different and you will know the "best" amount by knowing and observing your child. If your child is not currently taking omega-3, begin supplementing with one capsule daily (with food or snack) and increase slowly. Toddlers and smaller children may see the most benefit with 2 or 4 capsules per day, while older and larger children and adults may do best with 6 caps a day, divided throughout the day. We suggest working with your healthcare practitioner if you choose to use increased amounts. A guideline is that if you don't see additional benefit with additional capsules, then stay with the lower dose.
  3. **How often and at what times should I administer speak to my child?**  
It is preferable to provide speak throughout the day during a child's most active time – in the morning and afternoon, not at night. Start with the morning meal and divide the dosage throughout the day. For example, 2 capsules with breakfast and 2 with an afternoon snack. If your child is in school, you may ask your school nurse to administer the supplements. Depending on your state, you may need a note from your child's doctor. If you are not able to provide supplements throughout the day, administer half the dosage in the morning and the balance with dinner (best not directly before bed as omega-3s may cause increased mental activity).
  4. **How should I give speak to my child?**  
Some children find it easy to swallow the capsule. Others bite the capsule (and swallow the gelatin shell or spit it out), many parents open (pierce) the capsules and mix the oil with non-heated foods (e.g. pudding, smoothie); others serve it on a spoon (with or without juice or fruit sauce) or squirt it directly into the mouth and follow with food. The product is in a larger capsule, thereby providing a complete serving in only 2 capsules. Remember, don't mix the product with hot foods.
  5. **When should I begin to notice beneficial changes in my child?**  
Every child is different and responses vary. Occasionally, families report beneficial changes in their children within the first few days of supplementation. Others notice advances in speech and coordination after several weeks. It is not uncommon to supplement for several months



before significant progress is made including speech, coordination, and motor planning. A number of factors may influence a child's response, such as consistency and dosage, co-existing conditions (GI issues, allergies), previous supplementation, transition time, and adherence to special diets.

The time of year can impact response as well due to summer allergies, winter cold and flu season, etc. It is recommended to administer speak on a daily basis (consistency is key) for a minimum of a 4 month period to determine if your child benefits from the nutrients in speak. Identifying and addressing underlying health issues may improve your child's success. (GI problems and/or allergies are quite common in apraxic children and should be investigated.)

**6. Is speak effective for older children and does it take longer to be effective?**

Families have reported positive results in older children. It may take longer to see benefits in older children, depending on the child's health status and health history and underlying GI issues and/or allergies. Follow the suggested use and increase over time.

**7. My child seems more emotional, weepy, agitated. Is this normal?**

Emotional outbursts and transient moods are common when children begin supplementing with omega-3 supplements. Each child is different. If your child has been 'very compliant', a change in this behavior may be considered normal. Parents have reported the "Tasmanian Devil" effect, where children become very active, oppositional but in time (2-3 weeks) rebalance.

**8. What are some possible side-effects associated with omega-3 and vitamin E supplementation? *(The issues described are typically associated with all omega-3 and vitamin E supplements – not unique to NourishLife speak.)***

- a. Some children may experience loose stools when they begin supplementation with oil-based capsules; this usually resolves quickly (great for constipated kids!)
- b. Moodiness, irritability, and emotional outbursts are commonly reported in children during the first few days/weeks of omega-3 supplementation; however, this usually comes with increased babbling, imitation of sounds, and eventually words to sentences.
- c. Although theoretical, experts believe it is best to be off fish oil 2 weeks before a surgery due to increased bleeding risk, given the platelet effects of omega-3.
- d. Avoid using products such as ibuprofen (motrin, advil) or aspirin since they increase the risk of bleeding, so the combination (omega-3, vitamin E, and these medicines) could theoretically heighten the risk of bleeding. Acetaminophen (Tylenol®) may be an option under the direction of your healthcare provider.
- e. Individuals on blood thinners such as Coumadin should not be using fish oil and vitamin E.

# **EXHIBIT G**



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As **toddlers** begin talking, they often have trouble with pronunciation and forming sentences. So how do you know what's normal development and when to be ...

[Helping the \*\*Speech\*\* Delayed \*\*Toddler\*\* & Preschooler at Home ...](#)  
 www.raisingarrows.net/.../helping-the-**speech**-delayed-**toddler**-p... ▾  
by Amy Roberts - in 1,412 Google+ circles  
Jan 21, 2010 - Once upon a time, we had a non-verbal **toddler**. .... She has several **speech issues** (frontal lisp, deletion of sounds, and other things I don't ...

Searches related to **toddler speech problems**

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disorder.webcrawler.com/ ▾  
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[Apraxia Therapy for Kids](#)  
www.superduperinc.com/ ▾  
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[Camara Minks M.S. CCC-SLP](#)  
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1 (703) 655 1448  
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[Is Your Baby Talking?](#)  
www.teachmetotalk.com/ ▾  
Discover Your Best Approach Proven  
To Teach **Toddlers** To Talk

[Speech & Language Therapy](#)  
www.greatbeginningva.com/ ▾  
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[8 Ways To Get Your Child To Speak | Mommy Speech Therapy](#)

mommyspeechtherapy.com/?p=78

Jan 13, 2008 - There are many ways of "tempting" your child to **speak**. ... If your child simply keeps pointing and grunting take his/her hand and **help** him make the ... **My son** has been in speech for most of his life- in the beginning for feeding ...

[How to Help Your Child Talk - Playing With Words 365](#)

www.playingwithwords365.com/how-to-**help**-your-child-talk/

by Katie Yeh - in 342 Google+ circles

Chances are the topic is on **my** "to-do list" but I am ALWAYS looking for more ideas ... How to **Help Your Child Talk**, are designed to be read in the order below.

[Help My Child Talk](#)

www.**helpmychildtalk**.com/

Jul 7, 2007 - **Help My Child Talk** will give you strategies for helping your young child develop language skills.

[How do I Help My Son To Start Talking? | BabyCenter](#)

www.babycenter.com/400\_how-do-i-**help-my-son-to-start-talking**\_9581...

Jul 24, 2011 - My socail worker is saying im a bad mum because **my son** who is 3 on 31st August, isnt **talking** he is still at the stage of one or two words, ive ...

[ZERO TO THREE: Tips on Learning to Talk](#)

www.zerotothree.org › ... › Early Language and Literacy

Learning to **talk** is a process that starts at birth, when your baby experiences how ... You can **help** your **child talk** with you when you: .... I am concerned because **my** 3-year-old **son**, who until recently had great language skills and **talked** really ...

[Help Your Baby Learn to Talk - Parents.com](#)

www.parents.com › Babies › Baby Development › When Do Babies Talk?

The same strategy can benefit any **child**: "**Talk** as much as possible to your ... Originally published in the November 2012 issue of Parents magazine. **My** Tools ...

[Activities to Encourage Speech and Language Development](#)

www.asha.org › ... › Speech, Language and Swallowing › Development

Talk about what you are doing, where you are going, what you will do when you arrive, and ... **Help** your **child** understand and ask questions. ... "This is **my** nose.

[Helping Your Late-Talking Children - WebMD](#)

www.webmd.com/baby/features/**helping-your-late-talking-children**

If your child seems to be a late talker, when is the time to seek **help**? What's ... prompt worried phone calls to the pediatrician, asking, "Why isn't **my child talking**?"

[How can I help my child to start talking? - YouTube](#)

www.youtube.com/watch?v=oY7LUYg8yjk

Feb 12, 2013 - Uploaded by NHS Choices

Find out more about how to **help** your **child's** speech here: ...

[Helping your child to talk - BabyCentre](#)

www.babycentre.co.uk/a556437/**helping-your-child-to-talk**

How can I **help my** baby start to learn to **talk**? ... This doubling up is found in almost all of a **child's** earliest words, which suggests that it **helps** babies produce the ...

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www.spaoa.org/

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www.hsca.org/charities

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www.**speak**upnow.org/Voices-For-**Children**

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Formulation From Childrens Hospital Blend of 7 Nutrients For **Speech**.

What Is **Speech Apraxia**? - Understand Childhood **Apraxia**  
www.**apraxia**-kids.org/  
Help Is Here, Learn More Today  
Learn About Childhood Apraxia - Get Connected with Others

Scholarly articles for **verbal apraxia treatment**  
Childhood **verbal apraxia** and its **treatment** - **Chappell** - Cited by 34  
... **Praxic Abilities in Developmental Verbal Apraxia** - **Aram** - Cited by 44  
... **changes in articulatory patterns in verbal apraxia: A ...** - **Sands** - Cited by 29

The VML Method - **treating apraxia** of speech - YouTube  
 www.youtube.com/watch?v=YfzhjKMYu7Q  
May 21, 2012 - Uploaded by Elad Vashdi  
The VML method - **treating Apraxia/dyspraxia** of speech in a  
unique ... **Verbal Apraxia** and Keegan, part ...

More videos for **verbal apraxia treatment** »

**ApraxiaResearch.com**: Information and Research for **Treating Apra** ...  
www.**apraxia**research.com/ ▾  
Welcome to **ApraxiaResearch.com**. ... and professionals regarding past and present  
research developments for the **treatment** of **verbal**, oral and motor **Apraxia**.

**Apraxia** of Speech  
www.nidcd.nih.gov › Health Info › Voice, Speech and Language ▾  
Jun 7, 2010 – **Apraxia** of speech, also known as **verbal apraxia** or **dyspraxia**, is a  
speech ... play a key role in diagnosing and **treating apraxia** of speech.

**Verbal / Speech Apraxia**  
www.cincinnatichildrens.org › Home › Health Topics ▾  
Cincinnati Children's Hospital Medical Center discusses **verbal** speech **apraxia**  
**treatments** and diagnosis.

**Apraxia** - Wikipedia, the free encyclopedia  
en.wikipedia.org/wiki/**Apraxia** ▾  
Contents. 1 Types; 2 **Verbal apraxia** of speech; 3 Causes; 4 Assessment; 5  
**Treatment**; 6 Prognosis; 7 References; 8 Further reading; 9 External links ...

Becoming **Verbal** With Childhood **Apraxia**: New Insights on Piaget ...  
www.amazon.com/Becoming-**Verbal**-With-...**Apraxia**/dp/0970706065 ▾  
Becoming **Verbal** With Childhood **Apraxia**: New Insights on Piaget for Today's  
**Therapy** [Pam Marshalla] on Amazon.com. "FREE" super saver shipping on ...

Bottom Line: Getting Health Plans to Pay for Pediatric **Verbal Apraxia**  
www.asha.org/Publications/leader/2002/020122/bl020122/ ▾  
Jan 22, 2002 – Describe the **treatment** plan and expected results. Children with  
**verbal apraxia** respond best to motor **treatment** that is focused on the control of ...

Hope for **Apraxia**  
www.**apraxia**speaks.com/ ▾  
late-talking-child,non-verbal. At age 3 my daughter was diagnosed with **apraxia** and  
was attending a special needs preschool for speech **therapy** four days a ...

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by JC Rosenbek - Cited by 110 - Related articles  
principles and specific procedures in the **treatment** of **apraxia** of speech. ...  
emphasize -mastery of meaningful and useful **verbal** communication early in **therapy**.

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www.otforkids.com/  
Handwriting instruction available!  
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# **EXHIBIT H**









CLERK OF COURT

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

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

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

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

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

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

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

☐ Other *(specify)*:

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

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

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

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

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

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

Additional information regarding attempted service, etc:



Civil Action No.

---

*Signature of Clerk or Deputy Clerk*

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

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

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

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

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

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

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

☐ Other *(specify)*: \_\_\_\_\_

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

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

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

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

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

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

Additional information regarding attempted service, etc: