

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO**

David Mittleholtz, an individual, on behalf  
of himself and all others similarly  
situated,

Plaintiffs,

v.

International Medical Research, Inc.;  
Sophie Chen; John Chen; and Allan  
Wang;

Defendants.

CASE NO. GIC846200

CLASS ACTION

CLASS NOTICE

**NOTICE OF PENDENCY OF CLASS ACTION**

TO: ALL PERSONS WHO PURCHASED THE PRODUCT PC-SPEES DURING THE PERIOD FEBRUARY 7, 1998 THROUGH FEBRUARY 7, 2002. THIS NOTICE CONTAINS IMPORTANT INFORMATION WHICH MAY AFFECT YOU. PLEASE READ IT CAREFULLY.

**THE LAWSUIT**

Now pending in the Superior Court of the State of California for the County of Orange is a lawsuit entitled Mittleholtz v. International Medical Research, Inc.; Sophie Chen; John Chen; and Allan Wang, Case No. GIC846200. The lawsuit generally alleges that, during the period February 7, 1998 through February 7, 2002, the Defendants unlawfully distributed "PC-Spees" adulterated with dangerous synthetic chemicals, the presence of which was concealed from purchasers as a result of the Defendants' alleged failure to conduct any testing for adulteration by synthetic chemicals, including but not limited to diethylstilbestrol (DES) and wafarin (or coumadin), which is the active chemical in bloodthinners. The lawsuit further contends that the distribution of PC-Spees was an unlawful, unfair and deceptive business practices and seeks to recover restitution and disgorgement of all moneys acquired through this practice for the benefit of purchasers of PC-Spees. The Defendants deny the allegations of the lawsuit and contends that the distribution of PC-Spees was lawful, fair and not deceptive. PC-Spees was a dietary supplement distributed by IMR, aka BotanicLab.

The Court has not formed any opinions concerning the merits of the lawsuit, nor has it ruled for or against the plaintiffs as to any of their claims. The sole purpose of this notice is to inform you of the lawsuit so that you may make an informed decision as to whether you wish to remain in or opt out of this class action.

**DEFINITION OF THE CLASS**

On December 20, 2006, the Court ordered that the lawsuit may proceed as a class action on behalf of all persons who purchased PC-Spees during the period February 7, 1998 through February 7, 2002.

**CONSEQUENCES OF CLASS MEMBERSHIP**

If you paid money for PC-Spees during time period set forth above in the "Definition of the Class," you will automatically be considered a member of the class. YOU NEED NOT DO ANYTHING IF YOU

WISH TO BE INCLUDED, THERE IS NO NEED FOR YOU TO CALL, WRITE OR SEND ANYTHING AT THIS TIME IN ORDER FOR YOU TO REMAIN A MEMBER OF THE CLASS. Class Counsel identified below will prosecute the claims in the lawsuit on behalf of the class at no expense to you. You may be entitled to share in the benefits obtained in litigation and will be bound by any judgment, whether favorable or unfavorable, entered in the lawsuit.

### CLASS COUNSEL

The names and addresses of the attorneys who represent plaintiff and the class are:

BLUMENTHAL & MARKHAM  
Norman B. Blumenthal (State Bar #068687)  
David R. Markham (State Bar #071814)  
Kyle R. Nordrehaug (State Bar 205975)  
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ARIAS, OZZELLO & GIGNAC, LLP  
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LAW  
Robert Fellmeth, Esq. (SBN 49897)  
5998 Alcala Park  
San Diego, CA 92110  
Telephone: (619) 260 4806  
Facsimile: (619) 260 4753

### CLASS MEMBERS' RIGHTS

- **Join the Class:** You do not have to do or pay anything to be part of this case. Class Counsel will represent the class in the lawsuit
- **Exclude Yourself and File Your Own Lawsuit:** If you want your own attorney, you will have to exclude yourself and file your own lawsuit at your own expense by following the instructions set forth herein.
- **Exclude Yourself and Not Sue:** If you do not wish to participate in the class action lawsuit, you should also exclude yourself by following the instructions set forth herein.

If you participate as part of the Class, your participation in any recovery that may be obtained from Defendants through the trial or settlement of this lawsuit will depend on the results of the lawsuit. If no recovery is obtained for the class, you will be bound by that result. You will also be bound by any settlement approved by the Court.

You may be required as a condition of participating in any monetary recovery, through settlement or trial, to present verification of your entitlement to any such recovery.

### HOW TO BE EXCLUDED FROM THE LAWSUIT

The Court will exclude you from the Class if your written request for exclusion is mailed to the Class Administrator: PC-SPEs Litigation, Class Administration c/o Gilardi & Co., P.O. Box 8060, San Rafael, CA 94912-8060, and is post-marked on or before March 23, 2007. The request should state: **"I DO NOT WANT TO BE PART OF THE PLAINTIFF CLASS IN MITTLEHOLTZ v. IMR, NO.**

**GIC846200.”** The request should be signed with your name and address printed below your signature or you may fill out the letter available at [www.gilardi.com/mittleholtzsettlement](http://www.gilardi.com/mittleholtzsettlement). Make sure the letter has your full name, address and signature.

Mail it to: PC-SPEs Litigation, Class Administration c/o Gilardi & Co., P.O. Box 8060, San Rafael, CA 94912-8060 by March 23, 2007. **If you do not make a timely request for exclusion in the manner specified, any claims you may have against the Defendants with respect to your purchases of PC-Spes will be finally resolved by the judgment in the case.**

### **EXAMINATION OF PAPERS**

This notice does not fully describe the lawsuit. You may inspect the court files at the Office of the County Clerk, 330 West Broadway, San Diego, CA 92101, from 8:30 am. to 4:30 p.m., Monday through Friday. **PLEASE DO NOT CALL OR WRITE TO THE COURT OR THE CLERK OF THE COURT.** Papers can also be examined on Class Counsel's website at [www.bamlawca.com](http://www.bamlawca.com).

### **CLAIMS ADMINISTRATION AND ADDITIONAL INFORMATION**

Any questions regarding this notice can be answered by going to the Claims Administrator's website at [www.gilardi.com/mittleholtzsettlement](http://www.gilardi.com/mittleholtzsettlement), the website of Class Counsel, or by calling toll-free 1- 877-800-7853.

### **PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK REGARDING THIS ACTION**

Dated: December 22, 2006

By: The Hon. John S. Meyer  
Judge of the Superior Court