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6 Attorneys for Plaintiff

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF LOS ANGELES

9
 10
 11 THE PEOPLE OF THE STATE OF CALIFORNIA,) CASE NO. BC338072
)
 12 Plaintiff,) FINAL JUDGMENT
) PURSUANT TO
 13 v.) STIPULATION
)
 14 BIO-ENERGY SERVICES, INC.;)
 15 BIOPHOTONIX, INC. and GERALD ALLEN)
 ANDERSON, also known as JERRY A. ANDERSON;)
 16 and Docs 1 through 10, inclusive,)
)
 17 Defendants.)
 18)

19 Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, having filed it's
 20 Complaint herein; and defendants, BIOPHOTONIX, INC., a Nevada Corporation, and GERALD
 21 ALLEN ANDERSON, also known as JERRY A. ANDERSON, having acknowledged receipt
 22 thereof; and
 23
 24 Plaintiff appearing through its attorneys Steve Cooley, District Attorney of Los
 25 Angeles County, by Thomas A. Papageorge and Leslie A. Hanke, Deputy District Attorneys, and
 26 defendant BioPhotonix, Inc. appearing by and through its counsel Greg Hendrickson, and
 27 defendant Gerald Allen Anderson appearing in propria persona; and
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EX A /

FINAL JUDGMENT PURSUANT TO STIPULATION

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IT APPEARING TO THE COURT that the parties hereto have stipulated to the entry of this Final Judgment, the court having considered the matter and good cause appearing therefore; and

Plaintiff and defendants having stipulated and consented to the entry of this Judgment prior to the taking of any proof, and without trial or adjudication of any fact or law herein, and without this Judgment constituting any admission by defendants regarding any issue of fact or law alleged in said Complaint; and

The Court having considered the pleadings:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff have judgment against the defendants as follows:

JURISDICTION

1. This action is brought under California law and this Court has jurisdiction of the subject matter hereof and the parties hereto.

APPLICABILITY

2. The provisions of this Judgment, including the injunction contained herein, are applicable to defendants and to their officers, directors, employees, agents, and representatives, acting within the actual and ostensible scope of their employment, and to all assigns or successors of the defendants, and to all persons, partnerships, corporations, and other entities acting by, through, or on behalf of the defendants, and to all persons acting in concert or participation with the defendants, who have actual or constructive knowledge of this Judgment.

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INJUNCTION

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2 3. Defendants, and all persons, corporations and entities set forth in paragraph 2
3 above, are hereby enjoined and restrained from engaging in any of the following acts or
4 practices:

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6 a. Making or causing to be made, directly or by implication, any
7 untrue, misleading or unsubstantiated representation or medical claim, written or oral, in any
8 product promotional materials, product literature, merchandising kits, operator training manuals,
9 instructional materials, reference guides, advertising, investment solicitations, sales and leasing
10 materials, or by any other means, for the purpose of inducing, or which are likely to induce, the
11 use, purchase, sale or lease of any food, drug, device or cosmetic, including the PAP-IMI device,
12 in violation of Business and Professions Code section 17500 or Health and Safety Code section
13 110390:

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15 b. Engaging in any conduct that is in violation of Health and Safety
16 Code section 109875, et seq., commonly known as the Sherman Food, Drug and Cosmetic Law;

17
18 c. Advertising any drug or device, including but not limited to the
19 PAP-IMI device, represented to have any effect on any of the following listed conditions or
20 disorders including, but not limited to, cancer, diabetes, diseases or disorders of the immune
21 system, joint disease, kidney diseases or disorders, or on any other conditions or disorders listed
22 in, and prohibited by, Section 110403 of the Health and Safety Code;

23
24 d. Selling, holding or offering for sale, delivering, giving away,
25 prescribing or administering any drug, medicine, compound or device, including but not limited
26 to the PAP-IMI device, to be used in the diagnosis, treatment, alleviation, or cure of cancer
27 unless in compliance with Health and Safety Code section 109250 et seq.;

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e. Falsely representing with the intent to defraud, or providing for compensation with the intent to defraud, a device, substance, method or treatment, including but not limited to the PAP-IMI device, as effective to diagnose, arrest, prevent or cure cancer as prohibited by Health and Safety Code section 109365;

f. Selling, delivering or giving away any new drug or device, including but not limited to the PAP-IMI device, unless in compliance with Health and Safety Code section 111550 et seq. (*New Drugs or Devices*);

g. Receiving in commerce any drug or device, including but not limited to the PAP-IMI device, that is misbranded, or delivering or proffering for delivery any misbranded drug or device, in violation of Health and Safety Code section 111450;

h. Altering, mutilating, destroying, obliterating or removing the label or any part of the labeling of any drug or device, including but not limited to the PAP-IMI device, if the act results in the drug or device being misbranded in violation of Health and Safety Code section 111455;

i. Advertising any food, drug, cosmetic or device, including but not limited to the PAP-IMI device, that is adulterated or misbranded in violation of Health and Safety Code section 110398;

j. Engaging in the sale or delivery of an unapproved new device, including but not limited to the PAP-IMI device, without full compliance with the Federal Food Drug and Cosmetic Act including Sections 510(k) and 515;

k. Selling, delivering or giving away any unapproved new drug, including but not limited to pulsed or energized water, without full compliance with Sections 355 and 505 of the Federal Food, Drug and Cosmetics Act.

1 the date of such default. Plaintiff shall be entitled to reasonable fees and costs incurred in
 2 collecting any payments due and owing subsequent to such default.
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5 COMPLIANCE

6 5. Defendants shall deliver a copy of this Final Judgment to all officers,
 7 directors, managers, agents and representatives of the defendants within ten (10) days of the
 8 entry of this Judgment. Defendants shall also deliver a copy of this Judgment to all advertising,
 9 marketing, training, sales and leasing personnel.
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11 6. Defendants shall permit duly authorized representatives of the plaintiff, at
 12 reasonable times and places, and without interference of any kind, to interview agents, servants,
 13 employees, or representatives of defendants, or any of them, regarding any matter contained in
 14 this Final Judgment issued by this Court. Nothing in this paragraph shall be deemed or
 15 interpreted to limit the State of California, Department of Health Services, from exercising its
 16 statutory and administrative powers.
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18 7. Service upon the defendant Gerald A. Anderson shall constitute sufficient
 19 and complete notice of the terms of this Final Judgment and Injunction.
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21 8. This Final Judgment shall take effect upon entry thereof.

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RETENTION OF JURISDICTION

9. Jurisdiction is retained by this Court for the purpose of enabling any party to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary and appropriate for the construction or carrying out of this Final Judgment, for the enforcement of compliance herewith, or for the punishment of violations thereof.

Dated: _____, at Los Angeles, California.

Judge of the Superior Court
County of Los Angeles

FILED 07/03/07

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DECLARATION OF GERALD A. ANDERSON

I, GERALD ALLEN ANDERSON, also known as JERRY A. ANDERSON, do hereby declare under penalty of perjury that the following is true and correct:

- 1. I understand the charges and allegations against me as described in the Complaint for Injunction, Civil Penalties and Other Relief in Case No. BC338072.
- 2. I am over the age of 18 years and wish to proceed with the case without the representation of an attorney.
- 3. I understand my civil due process rights to have notice, a hearing, and a trial as to the charges and allegations against me. I also understand my right to present defenses against such charges and allegations. Understanding these rights and the opportunity to defend, I voluntarily, knowingly, and intelligently, and without admitting liability, waive these due process rights on my behalf.

Executed in Ocean View, HAWAII
(City) (State)
on November 28, 2005.


GERALD ALLEN ANDERSON

DECLARATION OF GERALD A. ANDERSON

Ex B