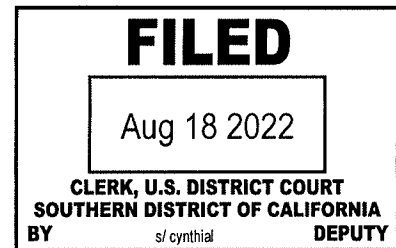


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6 In Propria Persona



7  
8 **UNITED STATES DISTRICT COURT FOR THE**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 RANDALL HENRI STEINMEYER, an  
12 individual

13 Plaintiff,

14 vs.

15 LABORATORY CORPORATION OF  
16 AMERICA HOLDINGS, a Delaware  
17 Corporation; GEORGE MAHA, an  
18 individual

19 Defendants.

Case No. '22CV1213 DMS DDL

**COMPLAINT**

**JURY TRIAL DEMANDED**

20 Plaintiff Randall Henri Steinmeyer ("Plaintiff") for his Complaint against defendant  
21 Laboratory Corporation of America Holdings, ("LabCorp") alleges, on knowledge  
22 as to his own actions, and otherwise upon information and belief, as follows:

23 **PRELIMINARY STATEMENT**

24 1. This is an action against Laboratory Corporation Holdings and its  
25 expert witness George Maha for marketing and selling motherless testing as a  
26 scientific paternity test. In reality, motherless testing is a kinship test, social science  
27 evidence-based (not biological), and fails to meet applicable testing standards  
28 governing genetic testing. Defendants' artificial and fictitious test caused  
significant damages to Plaintiff exceeding \$2,000,000.



1 LabCorp's DNA testing regulator, the Advancement of Blood & Biotherapies  
2 ("AABB"). Once in control of the AABB, LabCorp switched its genetic paternity  
3 test with an artificial test and added fictional math against the current AABB  
4 regulations. LabCorp concealed the test switch from the public.

5 10. Previously, the FDA transferred regulatory authority to regulate DNA  
6 testing to the AABB. The AABB transferred the authority to the AABB's  
7 Relationship Testing Committee ("RTC"). The AABB's RTC is controlled by none  
8 other than Dr. George Maha who is LabCorp's Associate Vice President and  
9 Laboratory Director of the DNA Identification Testing Division.

10 11. LabCorp's monopoly over DNA testing and control of the AABB is  
11 important in its scheme. First, since LabCorp assumed control over its DNA testing  
12 regulator (the AABB), LabCorp essentially self-reports and self-regulates.

### 13 **B. The Science Behind Scientific Paternal Testing**

14 12. A paternity test does three key things: (1) simultaneously confirms the  
15 mother and determines the child's maternal obligate (not optional) alleles  
16 ("MOAs"); (2) subtracts the child's maternal obligate alleles (MOAs) from the  
17 child's DNA to determine the child's paternal obligate alleles ("POAs") and (3)  
18 compares the alleged father's DNA to the child's POAs. If all POAs match the  
19 father's DNA, then a CPI and PoP can be calculated and presented to a court as  
20 evidence.

21 13. A true "paternity test" can do all three: (1) confirm the mother, (2)  
22 identify the father, and (3) identify a child as a biological child of the same.

23 14. In a scientific paternity test, the Combined Paternity Index ("CPI") and  
24 Probability of Paternity ("PoP") calculation conclusions are the test results and the  
25 basis for determining the legal status of a potential father of a child.

26 15. A child's DNA contains two sets of 20 markers. The first set is from  
27 the biological mother and the second set is from the biological father. A scientific  
28 paternity test identifies (and removes from comparison) the 20 maternal markers.

1 The 20 remaining markers are the paternal markers. If the child's 20 paternal  
2 markers match all 20 of the alleged father's markers, the alleged father may also be  
3 the "biological" father. A scientific paternity test calculates a POP and CPI if, and  
4 only if, all twenty out of twenty of the child's paternal markers (otherwise known as  
5 Paternal Obligate Alleles or "POA") match the alleged father.

### 6 **C. LabCorp's Façade**

7 16. LabCorp maintains that it uses a real paternity test. In truth, LabCorp's  
8 motherless paternity test is a sham. The reality is that the manufacturer of  
9 LabCorp's "test" cannot scientifically calculate paternity using LabCorp's methods.  
10 Instead of performing the 20 tests conducted in a scientific paternity test, LabCorp's  
11 artificial test pretends that 20 out of 20 of the tests reveal 20 separate highly  
12 specific paternal matches. In truth, the artificial test is blind to all 20 different  
13 paternal matches and LabCorp's artificial test fictionalized all 20 out of 20 matches  
14 between the alleged father and child in question.

15 17. The scheme is as follows: LabCorp's motherless test generates math  
16 from random similarities between all humans, not 20/20 paternal POA matches.<sup>1</sup>  
17 LabCorp's motherless test is not designed to identify paternal biological  
18 relationships. LabCorp's test is only designed only to illuminate these similarities  
19 and pawn off these similarities<sup>2</sup> as discrete paternal POA matches. These  
20 similarities, and not 20/20 paternal POA matches, steer the motherless test's  
21 "mathematical results." In truth, the mathematical results<sup>3</sup> on each of the motherless  
22 paternity tests are fictitious.<sup>4</sup>

23  
24  
25 <sup>1</sup> Maha's motherless test computations suggest discrete biological meaning where truly none  
26 exists. If Maha's "science" was executed in the 8th Century, it might look like "If the sun comes  
up tomorrow, you are the biological dad."

27 <sup>2</sup> Within Maha's professional circle, Maha's "tests" are also known as "*similarity* tests."

28 <sup>3</sup> Of CPI and PoP.

<sup>4</sup> Maha's results are not scientific or even replicable by an independent lab. Maha's results are not  
evidence.

1           18. LabCorp then engages in imaginary mathematical computations as if  
2 the artificial test found 20 of 20 paternal matches. These fictitious calculations are  
3 the same calculations that LabCorp subjected Plaintiff to in his underlying case.  
4 LabCorp's CPI and PoP mathematical calculations are based upon purely non-  
5 existing paternal (POA) matches and are completely fictional.

6           19. The following table further illustrates other differences between a  
7 scientific paternity test and LabCorp's unscientific motherless paternity test:

	Forensic Laboratories	LabCorp
Sells motherless paternity testing	No	Yes
Prohibits independent labs from reviewing	No	Yes
Calculates CPI/PoP without maternal DNA	No	Yes
Self-Regulation	No	Yes
Sells Paternity tests with insurance	No	Yes

19           20. The motive for LabCorp is likely financially motivated. Rather than  
20 provide alleged fathers like Plaintiff an authentic genetic paternity test, LabCorp  
21 subjects alleged fathers to a cheap and artificial test, albeit with a paternity test  
22 wrapper. LabCorp's inflated profit comes at the expense of these alleged fathers.

23           21. While using standardized scientific paternity testing (also known as  
24 "Trio" tests), on average, about 30% of alleged fathers are excluded as biological  
25 fathers in US courts. In comparison, while implementing LabCorp's artificial tests,  
26 many of these alleged fathers would not be excluded.

1           22. Put another way, if LabCorp conducts 500,000 DNA tests using this  
2 non-scientific and artificial method, up to 150,000 men, per year could be falsely  
3 told that they are the biological father of a child.<sup>5</sup> LabCorp's artificial tests create  
4 fictional paternal relationships where no such relationship exists.

5           **D. LabCorp's Game of Deception**

6           23. LabCorp engages in deceptive marketing of its motherless paternity  
7 testing through SEC filings, website representations, non-peer-reviewed  
8 publications, and false reassurances to its patients and clients, including Plaintiff.

9           i. False Filings with the SEC

10           24. With regards to paternity testing, LabCorp's SEC statements falsely  
11 claim that its paternity testing tests the mother. LabCorp stated:

12           25. Parentage and Donor Testing. LCD provides forensic testing used in  
13 connection with parentage evaluation services that assist in determining parentage  
14 for child support enforcement proceedings and determining genetic relationships for  
15 immigration purposes. Parentage testing involves the evaluation of immunological  
16 and genetic markers in specimens obtained from the child, the mother, and the  
17 alleged or putative father.

18           26. LabCorp falsely claims to its shareholders and SEC that its testing  
19 practices are "forensic" and determines the paternity of the child by testing the  
20 mother and alleged father.

21           ii. Representations on its Website

22           27. Likewise, on its website, LabCorp also claims it tests maternal DNA.

23           28. For instance, on its website, LabCorp published a sample motherless  
24 testing report. On the report, maternal DNA is identified and listed first.

25           ///

26           ///

27

---

28           <sup>5</sup> Over 10 years this number could swell to 1,500,000 false fathers in the United States.

1           **E. Plaintiff's Underlying Case**

2           29.    On or about February of 2016, Plaintiff separated from his wife, Tina  
3    Greco. During the separation, Plaintiff did not have any sexual intimacy with Ms.  
4    Greco, and the two lived apart.

5           30.    On February 28, 2017, Ms. Greco conceived a child, "Little Doe."

6           31.    For reasons unknown to Plaintiff, the state instituted a child  
7    dependency case against Ms. Greco on behalf of Little Doe.

8           32.    That same month, a child dependency agency contacted Plaintiff  
9    asking him to be a part of the child dependency case for the limited purpose of  
10   ruling out his candidacy as Little Doe's father.

11          33.    At a hearing, his attorney requested a paternity test. Plaintiff submitted  
12   to a paternity test with the understanding that it would be a scientific and accurate  
13   genetic test that would exclude him as the father of Little Doe.

14          34.    The court appointed LabCorp to conduct the paternal genetic test.

15          35.    Unknown to Plaintiff, LabCorp switched the scientific paternity test to  
16   an artificial motherless paternity test. Again, unknown to Plaintiff at the time,  
17   LabCorp fictionalized the analysis and testing by failing to also test maternal DNA.

18          36.    The test concluded that Plaintiff was the father of Little Doe. LabCorp  
19   further represented that it was 99.99% certain that Plaintiff was the father.

20          37.    On or about August of 2019, citing Plaintiff's "paternity test" in  
21   dependency court, the court ordered Plaintiff to begin paying child support for  
22   Little Doe.

23          38.    On or around September 2019, the court paid LabCorp for the  
24   paternity test using wages garnished from Plaintiff.

25          39.    LabCorp's Letter to Plaintiff

26          40.    Following the closure of the dependency case, on or about March  
27   2020, Plaintiff contacted LabCorp regarding the validity of his motherless paternity  
28   test.

1           41. On April 1, 2020, Maha directed in-house LabCorp counsel to deceive  
2 Plaintiff about the validity of the motherless test. At Maha’s behest, in-house legal  
3 counsel sent Plaintiff a letter stating there was no reason to question the validity of  
4 the fictitious test results. Further, the letter explicitly reaffirmed the Plaintiff’s  
5 motherless test was actually a “paternity” test. The letter, in the relevant part, stated  
6 as follows:

7           Dear Mr. Steinmeyer,  
8 I write in response to your recent inquiry directed to Dr. George Maha  
9 regarding the validity of certain DNA paternity testing performed by  
10 Laboratory Corporation of America (“LabCorp”). LabCorp  
11 investigated your concerns and concluded that there is no reason to  
12 question the validity of paternity results.

13           **F. The Scheme Begins to Unravel**

14           42. Plaintiff begins a scrutinizing investigation into the validity of  
15 LabCorp motherless paternity testing.

16           43. Plaintiff discovered a number of articles, including a peer-reviewed  
17 scientific study dated March 2021, regarding motherless testing.

18           44. The peer-reviewed study found that omitting maternal DNA from the  
19 paternity test artificially spikes the probability of determining a random man as a  
20 potential biological father of a child by about a factor of approximately 100,000.

21           45. The study concluded: “Motherless paternity testing could have dire  
22 financial and legal consequences, not only for the testing facility but also for the  
23 wrongly included fathers.....”

24           46. Following this research and inquiry, Plaintiff confronts officers of  
25 LabCorp regarding motherless testing.

26           47. On November 22, 2021, in a telephone exchange, Plaintiff spoke to  
27 Vice President Maha and asked why motherless paternity tests are sold to courts  
28 and consumers as real paternity tests.



1           48. Maha succinctly replied, “If the courts and private parties want the  
2 tests that way, who are we to stop them?”

3           49. On February 22, 2022, in a telephone exchange, Plaintiff spoke to  
4 LabCorp DNA Director, Gary Stuhlmiller regarding the use of motherless testing in  
5 courts. Mr. Stuhlmiller admitted that use of motherless testing was likely financially  
6 motivated (the cost of motherless testing is 66% of the cost of a trio test). Dr.  
7 Stuhlmiller resigned weeks after making this statement.

8           50. Finally, in March 2022, **Plaintiff retained a genetic expert who**  
9 **generated a report concluding that motherless testing is not a paternity test**  
10 and its use as such as “worthless.”

### 11           **G. Truth Uncovered**

12           51. On or about April 12, 2022, Plaintiff again spoke with Vice President  
13 Maha and confronted him with the core flaws behind LabCorp’s motherless testing  
14 (that is, the omission of maternal genetic and fictionalized linked loci analysis).  
15 During the conversation, Maha made a stunning admission to Plaintiff admitting  
16 that by using motherless testing, LabCorp intentionally switched “biological  
17 evidence” with “social science evidence.”

18           52. Maha’s admission not only confirmed the falsity of LabCorp’s prior  
19 statements<sup>6</sup> but also LabCorp’s fraudulent intent. Before April 12, 2022, LabCorp,  
20 its officers, and executives continued to maintain the following about its motherless  
21 testing:

- 22           • That 20 subtests are performed.
- 23           • That testing identifies 20 paternal matches between an alleged father and  
24 child.
- 25           • That it is biological and scientific.
- 26           • That a Linked Loci analysis is calculated.

27 \_\_\_\_\_  
28 <sup>6</sup> As alleged herein Defendants false claims to Plaintiff continued after the April 2017 fictitious results through April 12, 2022, the date of Defendant Maha’s admission.

- 1 • That motherless testing is sufficient to determine a combined relationship
- 2 index and probability of parentage under Cal. Family Code, Section 7555.
- 3 • That motherless testing complies with AABB regulations.

4 53. It is now apparent to Plaintiff that none of the preceding  
5 representations concerning motherless testing are true and that the following is  
6 undisputable:

- 7 • That motherless testing cannot determine paternal matches between the
- 8 alleged father and child.
- 9 • That motherless testing is social science evidence-based.
- 10 • That motherless testing does not conduct a linked-loci analysis.
- 11 • That testing violates AABB regulations.
- 12 • That motherless testing is insufficient and cannot determine a combined
- 13 relationship index or probability of parentage under Cal. Family Code,
- 14 Section 7555.

15 54. After Maha's admission, Plaintiff filed an FDA Citizen Petition  
16 requesting the FDA halt the sale of LabCorp's motherless test.

#### 17 **H. LabCorp's Intent to Defraud**

18 55. A paternity test involves three people. If an alleged father is not  
19 excluded via a kinship test, maternal DNA is added to the two-person kinship test,  
20 transforming it into a three-person paternity test.

21 56. If the mother's DNA is not available, it is simply reconstructed by  
22 obtaining DNA from close relatives of the missing mother. Maha admits the same  
23 in his own 2018 article entitled, "The UPA 2017: The Science of It All" writing,

24 57. The biological relatives ideal for testing are both of the missing  
25 [mother's] alleged biological parents (the alleged grandparents), as they will  
26 contain all the biological material their child has. When both of the alleged  
27 grandparents are not available, other relatives can be used. The greater the number  
28

1 of relatives tested, the more likely an expert is to be able to reconstruct the genetic  
2 material in the missing [mother].<sup>7</sup>

3 58. When subjecting Plaintiff (or anyone) to motherless tests, LabCorp  
4 knowingly contradicts not only science but also the law. There is no such thing as a  
5 motherless paternity test. Rather, a motherless paternity test is actually a two-person  
6 “kinship” or generic “relationship” test. A kinship test involves only two people.

7 59. Maha is aware of such because he was instrumental in writing the  
8 Uniform Parentage Act (“UPA”) governing all 50 states regarding paternity testing.

9 60. The (UPA) was written in part by Maha. The UPA requires LabCorp  
10 to identify a child’s paternity using maternal DNA.<sup>8</sup> Ironically, Maha induced all 50  
11 states to adopt the UPA as the law.

### 12 **I. The Importance of Maternal DNA is Well Established**

13 61. The importance of maternal DNA is well established. In 1983, the  
14 Airlie Commission promulgated standards and mathematics for paternity testing in  
15 the United States together with the courthouses therein. The standards established  
16 that maternal DNA was a condition precedent to a paternity test.

17 62. In 1986, The Department of Health and Human Services published a  
18 guide for Judges in Child Support Enforcement Ex. 6.2 Guidelines for Reporting  
19 Probability for Paternity restated the Airlie Commission standards and further  
20 stated that maternal DNA is the condition precedent to a paternity test.

21 63. In 2004, Robert E. Wenk published Testing for Parentage, Hematology  
22 (2004) 11:357–361. In Testing for Parentage, Dr. Wenk revealed: Absent maternal

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23  
24  
25 <sup>7</sup>

26 [https://www.americanbar.org/groups/family\\_law/publications/family-advocate/2018/spring/4spring2018-maha/n](https://www.americanbar.org/groups/family_law/publications/family-advocate/2018/spring/4spring2018-maha/n) See also George C. Maha, Determining Paternity  
27 After Death: Genetic Testing When a Party is Not Available, in *Disputed Paternity Proceedings*  
(N. M. Vitek, ed., Mathew Bender & Co.) (1999).

28 <sup>8</sup> Or reconstruct the maternal DNA vis-a-vis relatives.

1 DNA, neither the maternal obligate allele nor the paternal obligate allele can be  
2 derived. Absent maternal DNA, neither the father nor the mother can be identified.

3 64. In 2010, Maha published Implementation of a 21-Locus Panel for  
4 Human Relationship Testing, 21st International Symposium on Human  
5 Identification, Defendant's paper claims statistical value can be derived from  
6 physically linked-loci. However, maternal DNA is a condition precedent to deriving  
7 value from linked-loci.

8 65. In 2013, Germany banned motherless paternity testing.

9 66. In 2015, LabCorp's Dr. Stuhlmiller appeared at the annual Fatherhood  
10 Conference<sup>9</sup>.

11 67. During the presentation, Stuhlmiller only referenced authentic  
12 paternity testing (mother, child, alleged father.)

13 68. Finally, even the HHS is aware of the dangers of motherless testing,  
14 especially when money is a financial incentive writing, "[t]esting the mother  
15 eliminates a potential welfare fraud scheme."<sup>10</sup>

#### 16 J. LabCorp's Knowledge

17 69. On information and belief, Plaintiff alleges that the only paper written  
18 on linked loci analysis and paternity is authored by Maha and published on a  
19 corporate website, not a peer-reviewed one. Nevertheless, Maha admits that a  
20 linked-loci analysis is not possible with maternal DNA.

21 70. Although lacking the prerequisite maternal DNA, Maha's linked loci  
22 analysis found itself incorporated into LabCorp's motherless testing.

23  
24  
25  
26 <sup>9</sup> [https://youtu.be/Lb\\_fxv10N8](https://youtu.be/Lb_fxv10N8)

27  
28 <sup>10</sup> <https://oig.hhs.gov/oei/reports/oei-06-98-00054.pdf>

1 71. The linked-loci analysis in a paternity test without maternal DNA  
2 cannot exist and should not exist. Yet, it appears in hundreds of thousands of  
3 paternity tests sold annually by LabCorp, including one sold to Plaintiff.

4 **K. Resignations of Responsible LabCorp Employee**

5 72. Dr. Gary Stuhlmiller is the scientist responsible for signing Plaintiff's  
6 motherless paternity test.

7 73. Working with Maha for decades, Dr. Stuhlmiller inexplicably resigned  
8 from LabCorp in Spring of 2022.

9 **COUNT ONE**

10 **(Intentional Misrepresentation as Against Defendants Maha and LabCorp)**

11 74. Plaintiff hereby restates and incorporates by reference the preceding  
12 paragraphs as though set forth in full herein.

13 75. Plaintiff is informed and believes and thereon alleges that Defendant,  
14 Maha and, Dr. Gary Stuhlmiller who made the representations herein, are the  
15 authorized agents of defendant LabCorp and at the time of making the  
16 representations herein alleged and at all times herein mentioned, were acting within  
17 the course and scope of his agency and authority for LabCorp.

18 76. Defendant Maha, on behalf of LabCorp made the following  
19 representations to Plaintiff that its motherless paternity test was actually a paternity  
20 test.

21 77. When Maha made this representation, he knew them to be false and  
22 made this representation with the intention to deceive and defraud Plaintiff and  
23 induce Plaintiff to act in reliance on these representations in the manner hereinafter,  
24 or with the expectation that Plaintiff would so act.

25 78. Plaintiff, at the time this representation was made by Defendant and at  
26 the time Plaintiff took the actions herein alleged, was ignorant of the falsity of  
27 Defendants' representations and believed them to be true. In reliance on these  
28 representations, Plaintiff was induced to submit to a motherless paternity test.

1 79. Had Plaintiff known the actual facts, he would have requested an  
2 actual scientific paternity test which would have excluded him as the alleged father.

3 80. Plaintiff's reliance on Defendants' representation was justified because  
4 there is no reason a layperson would have otherwise not relied on the statement  
5 made by an officer of a publicly traded corporation such as LabCorp.

6 81. As a proximate result thereof, Plaintiff has been damaged in an amount  
7 to be proven at trial but not less than the jurisdictional limit of this court.

8 82. The aforementioned conduct was an intentional misrepresentation,  
9 deceit and/or concealment of material facts known to Defendants, with the intention  
10 on the part of Defendants of thereby depriving Plaintiff of property, legal rights or  
11 otherwise causing injury and was despicable conduct that subjected to cruel and  
12 unjust hardship and conscious disregard of Plaintiff's rights, so as to justify an  
13 award of exemplary and punitive damages.

14 **COUNT TWO**

15 **(Fraudulent Concealment as Against Defendants Maha and LabCorp)**

16 83. Plaintiff hereby restates and incorporates by reference the preceding  
17 paragraphs as though set forth in full herein.

18 84. Plaintiff is informed and believes and thereon alleges that Defendant,  
19 Maha and, Dr. Gary Stuhlmiller who concealed certain information, are the  
20 authorized agents of defendant LabCorp and at the time of making the  
21 representations herein alleged and at all times herein mentioned, were acting within  
22 the course and scope of his agency and authority for LabCorp.

23 85. The court appointed LabCorp and Maha as Plaintiff's genetic experts  
24 in his underlying case. Therefore, LabCorp and Maha had a duty to Plaintiff to  
25 provide genetic testing services in compliance with Section 7552 and disclose  
26 certain information regarding their motherless testing.

27 86. Maha on behalf of LabCorp, deliberately concealed the true facts  
28 regarding motherless testing and deliberately concealed the true facts known to

1 them or failed to make any reasonable investigation to determine the true facts from  
2 which representations were made as to motherless testing to determine whether they  
3 were true or false, and without having any sufficient basis on which to make any  
4 representations, knowingly made false representations, concealing the defectiveness  
5 of motherless paternity testing as set forth in this complaint.

6 87. Not only did Defendants conceal information from Plaintiff, they  
7 intentionally switched Plaintiff's paternity test with a kinship test.

8 88. Defendant's agents concealed the facts when they each knew the true  
9 and correct facts regarding motherless testing.

10 89. The concealment of the true facts from Plaintiff was done with the  
11 intent to induce Plaintiff to submit to motherless testing and continue their  
12 profitable enterprise of marketing non-scientific and non-complaint genetic tests to  
13 the courts.

14 90. That had Plaintiff known that motherless testing was not a scientific  
15 genetic test or an actual paternity test, he would not have submitted to a motherless  
16 test and instead requested a trio paternity test.

17 91. Defendants' concealment of information and act of intentionally  
18 switching Plaintiff's paternity test with a kinship test, harmed Plaintiff.

19 92. The aforementioned conduct was deceitful and/or a concealment of  
20 material facts known to Defendants, with the intention on the part of Defendants of  
21 thereby depriving Plaintiff of property, legal rights or otherwise causing injury and  
22 was despicable conduct that subjected to cruel and unjust hardship and conscious  
23 disregard of Plaintiff's rights, so as to justify an award of exemplary and punitive  
24 damages.

### 25 **COUNT THREE**

#### 26 **(Negligence Per Se as Against Defendants Maha and LabCorp)**

27 93. Plaintiff hereby restates and incorporates by reference the preceding  
28 paragraphs as though set forth in full herein.

1           94.   LabCorp and Maha were negligent and negligent per se in the  
2 performance of their duties as experts on behalf of Plaintiff in the underlying case.  
3 Defendants violated genetic testing standards under Section 7552 of the Family  
4 Law Code, which requires genetic testing to be of a type reasonably relied on by  
5 experts in the field of genetic testing. Defendants were also negligent and negligent  
6 per se by failing to comply with AABB regulations.

7           95.   Plaintiff is a member of the class of persons the statutes and  
8 regulations were designed to protect. That is, alleged fathers.

9           96.   In other respects, Defendants were also negligent because they owed a  
10 duty to Plaintiff to perform accurate genetic testing that included performing 20  
11 subtests, identifying 20 paternal matches between alleged father and child,  
12 performing a scientific and biological genetic test, and proper linked loci analysis.

13           97.   Defendants breached their duty to Plaintiff because they switched  
14 Plaintiff's paternity test with a motherless kinship test that is unable to determine  
15 paternity between Plaintiff and Little Doe.

16           98.   As a direct and proximate result of the negligence and negligence per  
17 se of Defendants, Plaintiff sustained damages.

18           99.   All damages suffered by Plaintiff were incurred as a result of the  
19 negligence or negligence per se, carelessness, and/or recklessness of Defendants.

20                           **COUNT FOUR**

21           **(Violation of California Consumer Legal Remedies Act (Cal. Bus. & Prof.**  
22                           **Code, § 1770) as Against Defendants Maha and LabCorp)**

23           100. Defendant LabCorp was engaged in the business of marketing and  
24 selling paternity testing across the State of California, including to the San Diego  
25 Superior Court.

26           101. On or about March of 2017, Plaintiff agreed to submit to what he  
27 believed to be a scientific paternity test.

28





1 110. Defendants have made and disseminated this advertising with the  
2 intent directly or indirectly to induce courts, private parties (such as Plaintiff), and  
3 other members of the public to purchase or submit to motherless testing for the  
4 purposes of determining paternity.

5 111. Defendants' advertising was untrue or misleading, and likely to  
6 deceive the public, as follows: (1) LabCorp's motherless testing is not scientific and  
7 not an actual paternity test, (2) LabCorp's motherless testing does not actually  
8 determine CPI or PoP, (3) LabCorp's motherless testing does not perform 20  
9 subtests, (4) LabCorp's motherless test is. Not biological evidence, it is social  
10 science based.

11 112. In making and disseminating the above statements, Defendants knew,  
12 or by the exercise of reasonable care should have known, that these statements were  
13 untrue or misleading.

14 113. Plaintiff is informed and believes, and on the basis of that information  
15 and belief alleges, that, unless enjoined by this court, defendants will continue to  
16 engage in the untrue and misleading advertising alleged above.

17 114. As a direct and proximate result of the advertising described above,  
18 Defendants have received from Plaintiff, and continue to hold, an amount to be  
19 determined at trial.

20 115. Plaintiff is informed and believes, and on the basis of that information  
21 and belief alleges, that as a further direct and proximate result of the advertising  
22 described above, Defendants have received from members of the general public,  
23 and continue to hold, money acquired from the general public by Defendants as a  
24 result of marketing and selling unscientific kinship tests sold as scientific paternity  
25 tests.

26 **COUNT SIX**

27 (Violation of the California Unfair Competition Law (Bus. & Prof. Code, § 17200)  
28 as Against Defendants Maha and LabCorp)

1 116. Commencing on a date unknown to Plaintiff, Defendants have  
2 committed the following acts of unfair competition, as defined by Business and  
3 Professions Code section 17200, by engaging in deceptive, untrue, or misleading  
4 advertising of its motherless testing as scientific paternity tests.

5 117. 7. The acts described above were and are likely to mislead the general  
6 public and therefore constitute fraudulent or misleading acts within the meaning of  
7 Business and Professions Code section 17200.

8 118. The fraudulent business and misleading practices of Defendants are  
9 likely to continue and therefore will continue to mislead the public by inducing  
10 alleged fathers like Plaintiffs to submit to unscientific paternity testing and presents  
11 a continuing threat to the public.

12 119. As a direct and proximate result of Defendants' conduct, Defendants  
13 have received and continue to receive profits generated by sales that rightfully  
14 belong to members of the general public who have been adversely affected by  
15 Defendants' conduct, as well as to Plaintiff by virtue of Plaintiff's monetary  
16 damages exceeding \$2,000,000.

17 **PRAYER FOR RELIEF**

18 **WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

- 19 A. Requiring Defendants to pay damages sustained by Plaintiff by reason of the  
20 acts alleged herein in an amount to be determined at trial but no less than  
21 \$2,000,000;
- 22 B. Awarding Plaintiff prejudgment and post-judgment interest, as well as  
23 reasonable attorneys' fees, expert fees, and other costs;
- 24 C. Awarding Plaintiff punitive damages;
- 25 D. An order for Preliminary Injunctive Relief; and
- 26 E. Awarding such other and further relief (including equitable relief) as this Court  
27 may deem just and proper.
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**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury.

Dated: August 18, 2022

Respectfully Submitted,  
Plaintiff, in Propria Persona

By: /s/ Randall H. Steinmeyer  
Randall Henri Steinmeyer