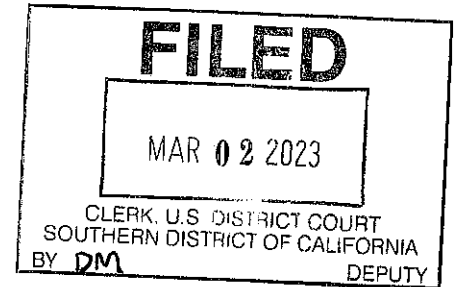


1 Randall Henri Steinmeyer, in propria persona
2 Mail: 700 W. Harbor Drive., Suite 1302
3 San Diego, CA 92101
4 Phone: (619) 742-7533
5 Email: Randall7575@me.com

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; GEOEGE MAHA, an**
18 **individual, Honorable GARY BUBIS,**
19 **as Judge of Superior Court of San**
20 **Diego, ROB BONTA as Attorney**
21 **General of California, Defendant DNA**
22 **DIAGNOSTICS CENTER, INC., and**
23 **Defendant MICHAEL L. BAIRD.**

24 **Defendants.**

Case No. 22-CV-1213 DMS DDL
Assigned to Hon. Dana M. Sabraw

**[PROPOSED] SECOND
AMENDED COMPLAINT.**

25 Date:

26 Time:

27 Courtroom: 13A

28 Complaint filed: August 18, 2022

Trial Date: None Set

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I. INTRODUCTION

1. In two markets (including California) comprising the *commercial* paternity testing industry in the United States (indirect and direct), Defendants LabCorp (and DDC) control 100% of the paternity tests sold to both States and consumers. Whilst in control of both markets, Defendants Labcorp (and DDC) switched the “paternity test” and replaced it with a faux, lookalike test. The lookalike “results” are basically art. The medium is a subset of the results.

2. The “commercial” paternity testing market is highly concentrated, with Defendants LabCorp and DDC conducting essentially **all** paternity tests (1) sold and used in the United States *non-criminal state* courts³ and (2) sold on the Internet inside the United States.

3. In the commercial paternity testing market where Defendants LabCorp and DDC maintain a monopoly, Defendants Lab Corporation of America, Inc (LabCorp) and its Vice President George C. Maha together with co-Defendants DDC and Baird, have been caught red-handed in a scheme to, amongst other things, switch the scientific paternity test with a cheap-lookalike test. In Plaintiff’s underlying case, Defendants LabCorp and Maha were Court appointed as expert witness and laboratory, respectively. Defendants accepted appointment with intent to defraud

1 the Plaintiff.

2
3
4 4. There, Defendants LabCorp and Maha secretly switched Plaintiffs "*paternity*
5 *test*" and replaced it with a *lookalike test* in order to sell results therefrom to the
6 State of California and obtain improper reimbursement from Plaintiff and State of
7 California.
8

9
10 5. For example, a standard paternity test investigates 20 CORE markers and reports
11 the results of ALL¹ tests. To stage Plaintiff's results, Defendant Labcorp
12 performed more than 36 tests, reports 20 tests, hid the results of additional tests
13 (44%) but reported the cherry picked 20.
14
15

16
17 6. Thereafter, Plaintiff purchased a lookalike test that was disguised as a paternity
18 test from LabCorp's co-Defendant, DDC. Collectively, Defendants' lookalike tests
19 caused significant damages to Plaintiff exceeding \$2,000,000.
20
21

22
23 7. Plaintiff seeks monetary damages exceeding \$2,000,000.
24

25 **II. JURISDICTION AND VENUE**

26
27
28 ¹ Likewise, a statutory test Fam Code 7552.5 requires that **all** the results be disclosed, not a subset
("A copy of the results of **all genetic tests** performedshall be served upon all parties)

1 8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §
2 1332, because the matter in controversy exceeds the sum or value of \$75,000,
3 exclusive of interest and costs, and is between citizens of different States.
4

5
6 9. Plaintiff Randall Henri Steinmeyer is a citizen of California. Having conducted a
7 good faith inquiry regarding the citizenship of the Defendants, Plaintiff alleges, on
8 information and belief, that none of the Defendants is a citizen of California for
9 purposes of determining diversity jurisdiction.
10
11

12
13 10. This complaint is also filed under Sections 2 of the Sherman Act, to recover
14 treble damages, equitable relief, costs of suit, and under under the 5th and 14th
15 Amendment of the Constitution of the United States, seeking injunctive relief
16
17

18 11. This Court court has federal question jurisdiction over this action pursuant to
19 Articles III of the Constitution.
20
21

22 12. The Court further has jurisdiction over this action pursuant to 15 U.S.C. § 26
23 and 28 U.S.C. §§ 1331 and 1337 in that Plaintiffs bring claims under Section 16
24 of the Clayton Act, 15 U.S.C. § 26, for injunctive and equitable relief to remedy
25 Defendants' violations of Section 2 of the Sherman Antitrust Act, 15 U.S.C. § 2.
26
27
28

1 13. The Court also has supplemental jurisdiction over the pendent state-law
2 claims pursuant to 28 U.S.C. § 1367. Defendants transact business within this
3 district. Venue is appropriate within this district under 28 U.S.C. §1391(b) and
4 (c), and Section 12 of the Clayton Act (15 U.S.C. § 22).
5

6
7
8 14. The Court has personal jurisdiction over each Defendant. Each Defendant
9 has transacted business, maintained substantial contacts, and/or committed overt
10 acts in furtherance of the illegal scheme and conspiracy throughout the United
11 States, including in this district. The scheme and conspiracy have been directed
12 at, and have had the intended effect of, causing injury to, persons residing in,
13 located in, or doing business throughout the United States, including in this
14 district.
15
16

17
18
19 15. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) and Section
20 12 of the Clayton Act (15 U.S.C. § 22) because a substantial part of the conduct
21 giving rise to the claims asserted herein occurred in this District.
22
23

24 16. The Court has personal jurisdiction over each Defendant. Each Defendant has
25 transacted business, maintained substantial contacts, and/or committed overt acts
26 in furtherance of the illegal scheme and conspiracy throughout the United
27 States, including in this district. The scheme and conspiracy have been directed
28

1 at, and have had the intended effect of, causing injury to, persons residing in,
2 located in, or doing business throughout the United States, including in this
3 district.
4

5
6 17. A material amount of the conduct took place in a courtroom in this District and
7 accordingly, on information and belief, the conduct took place in the District.
8
9

10
11 **III. PARTIES**
12

13 18. Plaintiff Randall Steinmeyer (hereinafter "Plaintiff") suffered material damages
14 as a result of Defendants' lookalike test disguised as a paternity test. Plaintiff
15 resides at 700 West Harbor Drive San Diego, California. Plaintiff is a citizen of
16 California.
17
18

19
20 19. Defendant Lab Corporation of America Inc. (hereinafter "LabCorp") principal
21 place of business is 358 S. Main St., Burlington, North Carolina. Defendant
22 LabCorp is a publicly traded corporation trading under the symbol "LH." LabCorp
23 is a citizen of North Carolina.
24
25

26
27 20. Defendant George Maha (hereinafter "Maha") is an associate vice president of
28

1 LabCorp. Defendant Maha resides at 119 Butternut Dr, Chapel Hill, NC 27514.
2 Defendant Maha is a citizen of North Carolina.
3
4

5 21. Defendant DNA Diagnostics Center, Inc. (“DDC”). (hereinafter “DDC”)
6 principal place of business is 1 DDC Way, Fairfield, Ohio 45014 .Defendant DDC
7 is a subsidiary of foreign publicly traded corporation (“Eurofins”) trading under the
8 symbol “ERFSF.” DDC is a citizen of Ohio.
9
10
11

12 22. Defendant Michael L Baird (hereinafter “Baird”) is the Chief Science Officer of
13 DDC. Defendant Baird resides at 7773 Tylers Reserve Dr. West Chester, Ohio
14 45069. Defendant Baird is a citizen of Ohio.
15
16

17 23. Defendant Honorable Gary Bubis is named in his official capacity as Judge of
18 Superior Court of San Diego .Defendant Bubis is a citizen of California. Defendant
19 Ron Bonta is named in his official capacity as Attorney General of California,
20 Defendant Bonta is a citizen of California.
21
22
23
24

25 **IV. THE RELEVANT MARKET**

26 24. The commercial paternity testing market has two markets which sell
27 tests to consumers, indirectly and directly.
28

1 25. A. **INDIRECT: Lab-State-Consumer**

2 The relevant “***product***” market is the sale of paternity tests to States (and
3
4 consumers.).

5
6 26. Indirectly, the tests are sold in two steps: First, the State pays LabCorp for the
7
8 test. Second, and pursuant to state-statute, alleged fathers (consumers) who are
9 “**positive** for paternity” must **also** pay. That is, each **positive** alleged father must
10 “**reimburse**” their State for the cost of the lookalike test (as if it was a real test).
11
12
13

14 27. The relevant “***geographic***” market includes 49 states². LabCorp and DDC
15
16 control 100% of the *commercial*¹ paternity test market. Simply, LabCorp
17
18 controls more than 32 states and DDC controls the remaining markets that
19
20
21 LabCorp does not.²

22 28. **B. DIRECT: Lab-to-Consumer**

23 The relevant “***product***” market is the sale of paternity tests to consumers via
24
25 Internet, CVS, Amazon etc. The relevant “***geographic***” market includes
26
27 California (and its sister states.)

28 ² Excepting Delaware.

29. C. **CALIFORNIA**: For example, the California commercial paternity testing market has two markets which sell tests to consumers, indirectly and directly.

30. **INDIRECT: Lab-State-Consumer** : Indirectly, the tests are sold in two steps: First, the State pays LabCorp for the test. Second, and pursuant to state-statute, alleged fathers (consumers) who are “**positive** for paternity” must **also** pay. That is, each **positive** alleged father must “reimburse” the State of California for the cost of the lookalike test (as if it was a real test).³

31. **DIRECT: Lab-to-Consumer** : LabCorp (and DDC) control the sale of paternity tests to consumers via Internet, CVS, Amazon etc. For example, LabCorp uses LabCorpDNA.com. Likewise, DDC uses DNA-CENTERS.com.⁴

V. PATERNITY VS. LOOKALIKE DISGUISED AS A PATERNITY TEST

32. A. Generally:

A real paternity test does three (3) core things: (a) identifies the biological father, (b) confirms the biological mother and (c) identifies the child as the

³ In California, LabCorp’s tests are governed by Fam Code 7550 et seq.

Fam Code 7552.5 requires that **all** the results be disclosed, not a subset (“A copy of the results of **all genetic tests** performed shall be served upon all parties”).

⁴ Also, in this market, both LabCorp (and DDC) use other commercial labs to act as resellers of their lookalike test. All these other labs are knowingly participating in fraud.

1 biological product of **both** *biological* father **and** mother.

2 33. Conversely, the lookalike test can do none of these:

3
4 ie it cannot identify biological father or biological mother and cannot identify the
5 child as the biological product of either.

6 Furthermore, the lookalike test “results” are meaningless, and not replicable in a
7 forensic lab.
8

9
10 34. In truth, the lookalike test has no biological purpose but it serves several
11 core purposes:

12 (1)Falsely claim to identify biological fathers, and then
13

14 (2)use the faux “positive” lookalike results: to statutorily force alleged fathers to
15 pay for (a) the cost of the test and (b) fees to contingent upon the positivity of
16 the test (c) make payments for a term of 18 years, vis-a-vis bi-monthly
17 garnishment, to the State.⁴
18

19
20 35. The lookalike results **are art**. The medium is a **subset** of the results. Put another
21 way, LabCorp can “create” 20/20 matches in all “lookalike” tests disguised as
22 “paternity tests,” without fail, and can make anyone appear to be the father of
23 anyone. These results are NOT replicable in a forensic lab and would not be
24 allowed in a criminal court.⁵
25
26

27
28 ⁵ In addition to the *commercial paternity* testing industry, LabCorp and DDC switched three

1 **36. B. In a Courtroom:**

2 Normally, in a courtroom, a paternity test does three (3) things:

- 3
- 4 1. Identifies the evidence (via the paternal obligate alleles)
- 5 2. Weighs the evidence (CPI/PoP)
- 6 3. Gatekeeper function: after more than 2 mismatches, the test will not make
- 7 CPI/PoP calculations
- 8

9

10 37. Conversely, in Plaintiff's case, the Defendants switched the Plaintiff's lookalike

11 test with a lookalike test. The lookalike test cannot do what a paternity test does

12 inside a courtroom. That is, the lookalike test :

13

- 14 1. Cannot Identify the evidence (it is blind to the paternal obligate alleles)
- 15 2. Cannot Weigh the evidence (cannot calculate a CPI / PoP)
- 16 3. Cannot apply the Gatekeeper function: instead of terminating after more than
- 17 2 mismatches. The lookalike is blind to mismatches. The lookalike results
- 18 are art, not biology.
- 19
- 20

21

22 38. As part of a predetermined agreement to rule against Plaintiff (alleged fathers)

23 and for the opposing side (alleging mothers), Defendants switched Plaintiff's

24 statutory paternity test with a lookalike test. The agreement revolves around using

25 lookalike tests in place of statutory paternity tests. Thereafter the lookalike test, the

26

27 _____

28 other tests with lookalikes, too.

1 lookalike results, disguised as stature paternity results are sold to the State.

2 39. After the purchase of the lookalike test by the State, the State takes (garnishes)
3 the income of the Plaintiff (alleged father),¹ A commercial is NOT the same as a
4 forensic lab. ²Excepting Delaware. ³In criminal courts, forensic labs are used, not
5 commercial labs.
6

7
8
9
10 **VI. REGULATORY ENVIRONMENT**
11

12 40. The FDA does not regulate paternity tests. The FDA gave that authority to
13 the AABB. In turn, the AABB gave the authority to the AABB's Relationship
14 Testing Committee. By 2017 AABB's Relationship Testing Committee was
15 been controlled by Defendants Maha and Baird together with LabCorp and
16 DDC.
17

18
19 41. LabCorp installed George Maha as the Regulator (Chairman of the AABB
20 Relationship Testing Committee). Likewise, DDC installed Dr. Baird as co-
21 regulator (co-Chairman of the AABB Relationship Testing Committee).
22
23

24 42. Put another way. Defendants LabCorp (and DDC) essentially acquired control
25 of the regulator. That is, Maha is a VP of LabCorp. Likewise, Baird is a key
26 employee of DDC.
27
28

43. Statutes) Maha and Baird claim to uphold in order for LabCorp and DDC to pretend to sell science but deliver pure fiction, as summarized as follows:

	Lab/DDC Forensic labs		Regulatory	Statutory
Cherry picking	Yes	No	No	No
Hiding Results	Yes	No	No	No
Marker Switch	Yes	No	No	No
DUO Maternal DNA	Yes	No	No	No
Fictitious Results	Yes	No	No	No

44. Put another way, Labcorp and DDC are bribing its regulator (Maha and Baird) to allow them to commit fraud and leverage the bribes and LabCorp's largesse to effectuate and monetize the fraud.⁶

VII. RELEVANT TIME PERIOD

45. 2013-present.

VIII. METHODOLOGY OF PATERNITY VS. LOOKALIKE TEST

46. A paternity test is driven by matches (and mismatches). Anything that is not a *match*, is a *mismatch*.

⁶ Upon each "positive" test result, the right to collect from the consumer (alleged father) is **sold** to the State. Thereafter, the State of California garnishes the consumer's accounts under the pretense of garnishing with genuine results that complying with 7552.5.

1 Conversely, anything not a *mismatch*, is a *match*.

2
3 47. Defendants gimmick (lookalike test) converts *mismatches* into *matches*, and
4
5 *then actually hide these mismatches* Then Defendants pawns off these contrived
6 “matches” as having biological meaning. In a real test after more than 2 (out of
7 20) mismatches, an accused cannot be the biological father. The following
8 illustrates exactly how Defendant LabCorp⁷ creates matches (and hides
9 mismatches):
10

11
12
13 48. **Step 1**

14 *CherryPicking and concealing 44% of the test results (hiding mismatches)*

15 A standard paternity test investigates 20 CORE markers and reports the results of
16 ALL tests. To stage Plaintiff's results, Labcorp performs more than 36 tests, reports
17 20 tests, hides the results of additional tests (44%) but reports the cherry picked 20.
18
19

20
21 49. **Step 2**

22 *Marker Switching :*

23 In paternity testing, labs around the United States are all required to use the same
24 standard FBI-CORE 20 markers. To stage the Plaintiff's results further, LabCorp
25 secretly switches and replaces 7 of the 20 (or 35%) of the markers (*hiding*
26
27

28 ⁷ Excepting LabCorp's linkage analysis fraud, DDC's fraud is essentially identical.

1 *mismatches).*

2
3
4
5 **50. Step 3**

6 *Maternal DNA removal:*

7
8 Although paternity testing is dependent upon maternal DNA, LabCorp removes it
9 from the Plaintiff's test **which concealed up to 100% of the remaining**
10 ***mismatches.***

11
12
13
14 **51. Step 4**

15 *Fictitious linkage-analysis-match*

16
17 Although Linkage analysis is not normally in a paternity test, LabCorp adds one the
18 its so-called "paternity test." However, without maternal DNA, the linkage analysis
19 is not even possible. *In the lookalike tests, there is no maternal DNA.* Nevertheless,
20 to stage results further, LabCorp created a "linkage analysis *match.*"

21
22
23
24 **52. Step 5**

25 *Fictitious results:* In the lookalike tests, a Combined Paternity Index ("CPI") and
26 Probability of Paternity ("PoP") are claimed to be the results. Both "CPI and PoP"
27 require maternal DNA to calculate. ***In LabCorp's (and DDC's) lookalike tests,***
28

1 *there is no maternal DNA, accordingly these results (CPI and PoP) are not even*
2 *possible.*

3
4
5 **53. Step 6**

6 *Fictitious Sale and Monetization:*

7
8 Although the results violate the applicable statute and regulation, LabCorp causes
9 the fictitious lookalike results to be both **sold** and **monetized** in separate
10 proceedings.

11
12
13 54. For example, when purchased (and monetized) by the State of California,
14 100% of the tests are stamped with Fam Code section 7552.5.

15
16 Fam Code section 7552.5 requires that **all** the results be disclosed, not a subset.
17 (“A copy of the results of **all genetic tests** performedshall be served upon all
18 parties).”
19

20
21
22
23
24 **VIII. DEFENDANTS DESTRUCTION OF 100+ PIECES OF DNA**
25 **EVIDENCE**
26

27
28 55. Whilst a paternity test prepared for the purpose of determining the minor's

1 paternity, the lookalike “test” was “**not** prepared for the purpose of determining a
 2 minor's paternity.
 3

4
 5 56. In fact, the lookalike test cannot (and could not) could not determine paternity.
 6 The lookalike test *is blind to 100% or 20/20 paternal obligate alleles (POAs.)*
 7 *POAs are a condition precedent to determining a female child's paternity.*
 8
 9

10 **57. In furtherance of the lookalike scheme, Defendants LabCorp deprived**
 11 **Plaintiff, the use of DNA evidence** more than 100 pieces of evidence which were
 12 altered and/ or destroyed in connection with the lookalike test switch.
 13
 14
 15

16 58. That is, by hiding 44% of the results and switching 35% of the markers,
 17 LabCorp destroys / alters the following pieces of evidence:
 18

19 (1)The maternal obligate allele evidence is destroyed at all 36 markers.

20 (2)The paternal obligate allele evidence is destroyed at all 36 markers.

21 (3)The paternity index evidence is destroyed at all 36 markers.

22 (5)The CPI evidence is destroyed.
 23

24 (6)The PoP evidence is destroyed.

25 (7)The linked-loci analysis evidence is destroyed.
 26

27 (8) The switched 7 FBI CORE markers evidence is destroyed and

28 (9) The “exclusionary” evidence is destroyed and then altered to create the illusion

1 of “inclusionary” evidence. From a *scientific* point of view, this conduct is
2 indefensible.

3
4
5
6 **IX. DEFENDANTS’ ANTICOMPETITIVE CONDUCT**

7
8 59. Before 2011, Defendant LabCorp and Orchid-Cellmark dominated the
9 commercial paternity testing industry. Defendant LabCorp alone already controlled
10 more than half the commercial paternity testing taking place in the US.

11
12
13 60. From 2009-2011, Defendant LabCorp attempted to buy Orchid-Cellmark
14 (“Orchid”) LabCorp’s attempted purchase of Orchid was stalled by the FTC until
15 2011. By late-2011, the market for government paternity testing services was
16 highly concentrated, “with LabCorp and Orchid conducting an overwhelming
17 majority of all paternity tests performed for government agencies in the United
18 States. LabCorp and Orchid [were] each other’s closest competitors and routinely
19 [were] the top two choices and lowest-priced bidders for providing paternity testing
20 services to government agencies.” FTC Complaint at 3, Dec 2011.

21
22
23 <https://www.ftc.gov/sites/default/files/documents/cases/2012/02/111208labcorpo>
24 [rchidemtp.pdf](#)
25
26
27
28

1 61. By late 2011, immediately upon the acquisition of Orchid, LabCorp
 2 *temporarily* owned/controlled the entire paternity testing industry in the United
 3 States. However, since the acquisition of Orchid would create a “**virtual monopoly**
 4 **in the market for the provision of paternity testing services to government**
 5 **agencies in the United States,**” Labcorp was ordered to divest itself of part of
 6 **the acquisition.** ⁸

9
 10 62. It was further the Order of the FTC, as a condition of consuming Orchid, that
 11 LabCorp agree to ““sell, assign, transfer, convey, and deliver all right, title and
 12 interest in the Assigned Agreements to ...DDC.” FTC Order at 7.

13 [https://www.ftc.gov/sites/default/files/documents/cases/2012/02/120201labcorpdo.](https://www.ftc.gov/sites/default/files/documents/cases/2012/02/120201labcorpdo.pdf)
 14 [pdf](https://www.ftc.gov/sites/default/files/documents/cases/2012/02/120201labcorpdo.pdf)

15
 16
 17
 18 63. Accordingly, all the contracts in the United States would be owned by LabCorp
 19 and later, instead of being sold to multiple parties which would have rendered the
 20 cheap lookalike scheme an impossibility, the purchased contracts were sold to one
 21 lab, DDC.
 22

23
 24
 25 ⁸ (See FTC Complaint at 3. Dec 2011.)

26 [https://www.ftc.gov/sites/default/files/documents/cases/2012/02/111208labcorporchidcmpt.p](https://www.ftc.gov/sites/default/files/documents/cases/2012/02/111208labcorporchidcmpt.pdf)

27 [df](https://www.ftc.gov/sites/default/files/documents/cases/2012/02/111208labcorporchidcmpt.pdf)
 28

64. Instead of simply selling and purchasing contracts as directed by the FTC, LabCorp and DDC schemed to secretly switch the standard paternity test with a cheap lookalike test.

65. By 2013, in certain markets, LabCorp and DDC secretly replaced the standard paternity test with a cheap lookalike test. LabCorp and DDC's mirror image conduct is summarized in the following table and more fully described below:

	LabCorp / DDC	Forensic labs
Hiding Results :	Yes / Yes	No.
Faux Results	Yes/Yes	No
DUO motherless	Yes/ Yes	No
Marker switch	Yes/ Yes	No

66. **Hiding results:** (*hiding mismatches*): Instead of disclosing "all results" as required by Fam Code 7552.5, Labcorp hides 16 markers or 44% of the results. Likewise, to a lesser percentage, DDC is also hiding markers.

67. **Faux results :** i.e. Faux CPI (and PoP): In the lookalike tests, a "CPI" and "PoP" are claimed to be the results. However, in the context of determining paternity for a female child, both "CPI and PoP" require maternal DNA to calculate. *In LabCorp's (and DDC's) lookalike tests, there is no maternal DNA,*

1 *accordingly these results (CPI and PoP) are not even possible.*

2
3
4 **68. DUO Motherless** (*hiding mismatches*): Labcorp removed maternal DNA from
5 the standard (including Plaintiff's) paternity test (*hiding mismatches*) Likewise,
6 DDC also used a DUO-motherless test.
7

8
9 **69. Marker Switch** (*hiding mismatches*): In paternity testing, labs around the
10 United States are all required to use the same standard FBI-CORE 20 markers. To
11 stage Plaintiff's results further, LabCorp secretly switched and replaced 7 of the 20
12 (or 35%) of the markers. Likewise, DDC secretly switches and replaces markers.
13
14

15
16 **70.** By 2016, LabCorp's dominion over most of the United States commercial
17 paternity testing industry (ie +30 States) was summarized by LabCorp in the
18 following 2016 contract with West Virginia "LabCorp currently holds twenty-nine
19 (29) Statewide sole vendor contracts, five (5) Statewide multi-vendor contracts, and
20 twenty-six (26) County* sole vendor contracts with Title IV-D Programs
21 nationwide for which LabCorp was awarded a contract by competitive bid process
22 for similar services.
23
24

25
26 **71.** *California, Colorado, and New York States do not issue public solicitations for
27 a statewide program. Instead each county is responsible for obtaining genetic
28

parentage testing through other means; many counties do not solicit publicly. LabCorp currently maintains hundreds of contracts with government agencies (Title IV-D Programs), private agencies (including doctors and attorneys), third party administrators, immigration and adoption agencies, and private individuals for parentage testing. The table below demonstrates LabCorp's nationwide presence"

http://www.state.wv.us/admin/purchase/bids/FY2015/B_0511_CSE1500000002_02.pdf

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3%

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LabCorp currently maintains hundreds of contracts with government agencies (Title IV-D Programs), private agencies (including doctors and attorneys), third party administrators, immigration and adoption agencies, and private individuals for parentage testing. The table below demonstrates LabCorp's nationwide presence

State	Current Contract held by LabCorp	Estimated Annual Volume
Alabama	County Price Agreements	13,500
Alaska	Sole Vendor - State Contract	1,800
Arizona	Sole Vendor - State Contract	8,700
Arkansas	Sole Vendor - State Contract	12,000
California	County Contracts	20,000
Colorado	County Contracts	10,000
Connecticut	Sole Vendor - State Contract	5,500
Delaware	Sole Vendor - State Contract	3,700

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District of Columbia	Other Agency Agreements	30
Florida	Other Agency Agreements	3,800
Georgia	Other Agency Contracts/Agreements	900
Guam	Sole Vendor - State Contract	225
Hawaii	Sole Vendor - State Contract	1,400
Idaho	Sole Vendor - State Contract	2,000
Illinois	Other Agency Agreements	2,700
Indiana	Multi-Vendor - State Contract	4,500
Iowa	Multi-Vendor - State Contract	6,900
Kansas	Sole Vendor - State Contract	7,000
Kentucky	Other Agency Agreements	100
Louisiana	Other Agency Agreements	1,800
Maine	Sole Vendor - State Contract	3,000
Maryland	County Contracts/Agreements	1,200
Massachusetts	Sole Vendor - State Contract	10,500
Michigan	Other Agency Agreements	30
Minnesota	Multi-Vendor - State Contract	7,000
Mississippi	Other Agency Agreements	120
Missouri	Other Agency Agreements	1,500
Montana	Sole Vendor - State Contract	1,900
Nebraska	Other Agency Agreements	60
Nevada	Sole Vendor - State Contract	5,000
New Hampshire	Sole Vendor - State Contract	1,400
New Jersey	Multi-Vendor - State Contract	11,000
New Mexico	Other Agency Agreements	70
New York	County Contracts/Agreements	11,000
North Carolina	Sole Vendor - State Contract	36,000
North Dakota	Sole Vendor - State Contract	1,500
Ohio	Sole Vendor - State Contract	90,000
Oklahoma	Sole Vendor - State Contract	14,000
Oregon	Sole Vendor - State Contract	7,000
Pennsylvania	Other Agency Agreements	135
Puerto Rico	Sole Vendor - State Contract	1,000
Rhode Island	Sole Vendor - State Contract	1,900
South Carolina	Sole Vendor - State Contract	16,000
South Dakota	Sole Vendor - State Contract	1,700
Tennessee	Other Agency Agreements	190
Texas	Other Agency Agreements	3,000
Utah	Sole Vendor - State Contract	6,000
Vermont	Sole Vendor - State Contract	1,000
Virginia	Sole Vendor - State Contract	26,000
Washington	Sole Vendor - State Contract	15,000

72. By 2016, Defendants LabCorp and DDC maintained an almost lookalike scheme but but with a twist. By 2016, Defendant LabCorp took the lookalike scheme to another level.

1 73. Essentially, over time, LabCorp had skillfully perfected its own version of the
 2 lookalike scheme. In addition to **Hiding Results, Faux Results , DUO motherless**
 3 **and Marker switch** which both LabCorp and DDC had been engaging during
 4 **the relevant period of 2013-to-present, Defendant** LabCorp added (1) a faux
 5 linkage analysis
 6

7
 8
 9 74. **Faux Linkage (hides mismatches):** Although Linkage analysis is not normally
 10 in a paternity test, LabCorp pasted one to Plaintiff's lookalike test disguised as a
 11 "paternity test." However, without maternal DNA, the linkage analysis is not even
 12 possible. That is maternal DNA is a condition precedent to a linkage analysis. *In the*
 13 *lookalike tests, there is no maternal DNA.* Nevertheless, to stage results further,
 14 LabCorp created a "linkage analysis *match*," out of thin air.
 15
 16
 17
 18
 19

20 75. **By 2017, Defendants also added Cherry-picking trick to the lookalike test.**
 21 **(Hides mismatches) :** A standard paternity test investigates 20 CORE markers
 22 and reports the results of ALL tests. To stage the results, Defendants Labcorp and
 23 DDC perform more than 36 tests, reports 20 tests, hide the results of additional
 24 tests (44%) but only report the cherry picked 20.
 25
 26
 27

28 76. By 2017, inside San Diego, Defendant's LabCorp lookalike testing scheme

1 was spinning at full speed: For example, in connection with the contracts
2 associated with Family and Dependency courts testing for San Diego California,
3 Defendants LabCorp and Maha replaced the standard paternity test with a
4 lookalike test.
5

6
7
8 77. In the AABB, Defendants Maha (and Baird) even had themselves appointed as
9 the sole co-chairs of the AABB Relationship Committee, rendering Defendant
10 Maha (and Baird) the de facto co-regulators of the paternity testing industry.
11

12
13 78. In the San Diego non-criminal courts itself, LabCorp VP, Defendant Maha
14 even had himself added as the **sole** expert witness in that court who could opine on
15 paternity proceedings. In fact, *Defendant Maha's name was even added to a*
16 *boilerplate form rendering Maha the de facto sole expert witness in San Diego*
17 *State non-criminal Courts* (i.e. family/dependency).
18
19

20
21 79. Using either or both LabCorp or DDC's lookalike test disguised as a paternity
22 test, could render any random male a "biological father." Art (and greed) drive the
23 lookalike results, not biology.
24

25
26
27 **2017**

28 80. On March 22 and 23 and 24th 2017, Plaintiff was directed to the site

1 LabCorpDNA.com. On Defendant LabCorp's website, LabcorpDNA.com, on
 2 March 22 and 23, and 24 of 2017, the Defendants **falsely** claimed that:

- 3
 4 (1) maternal DNA was "**optional**" in a paternity test
 5 (2) its lookalike (disguised as a paternity test) could calculate CPI and 99.99% PoPs
 6 (3) its lookalike tests (disguised as a paternity test) excluded "99.99% of non-
 7 fathers" and
 8
 9 (4) its lookalike test (disguised as a paternity test) was a "paternity test,"
 10
 11
 12

13 81. In truth, (1) maternal DNA was NOT "**optional**" in a paternity test.

14 (2) its lookalike (disguised as a paternity test) could NOT calculate CPI or PoP.

15
 16 (3) its lookalike tests (disguised as a paternity test) did NOT exclude "99.99% of
 17 non-fathers" and
 18

19 (4) its lookalike test (disguised as a paternity test) was NOT a "paternity test,"
 20

21 **March 28 2017**

22
 23 82. On March 28th, 2017 Defendants caused Plaintiff to sit for a faux, lookalike
 24 **test (disguised as a paternity test)** under the pretenses it was (a) court ordered (b)
 25 a paternity test (c) and complied with Fam Code 7552.5 et seq.
 26
 27
 28

April 2017

83. On April 18th 2017, without following statutory procedure, without using a statutory paternity test and with no notice to plaintiff, Defendants LabCorp and Maha induced Judge Bubis to orally proclaim that “ the biological results” show Plaintiff as revealed Plaintiff to be the “biological father.”

April 2017

84. Thereafter Defendants assisted in the purchase and sale of the right to collect money from Plaintiff created by LabCorp’s “test” claiming lookalike test **(disguised as a paternity test)** was (a) court ordered (b) a paternity test (c) and complied with Fam Code 7552.5 et seq.

2018:

85. Thereafter, on or about October 1, 2018 Plaintiff purchased a DDC lookalike test for disguised as paternity test in a 2-step process. **First**, Plaintiff purchased the DDC test from CVS for \$30.00. **Second**, Plaintiff purchased the remainder of the test directly from DDC for 139.00 plus 30.00 shipping, for a total of \$169.00. That is, on or about October 1, 2018, Plaintiff purchased a lookalike test, disguised as a paternity test from DDC vis-a-vis its site www.DNACenter.com

86. On or about October 3, 2018, DDC was paid and the results for a 2-person

1 lookalike test were submitted to DDC and DDC issued a statement to Plaintiff that
 2 it could not NOT issue a paternity conclusion due to an error and required new
 3 samples from both alleged Child and Plaintiff .However, thereafter Plaintiff did not
 4 have (and has not had) access to the alleged child or access to alleged child's DNA
 5 samples to use on a DDC or any other test.
 6
 7
 8

9 87. In truth the DDC test purchased by Plaintiff was a lookalike test, not a paternity
 10 test. At the time of the purchase and thereafter, DDC had no intention of issuing
 11 results that conflicted with LabCorp, DDC was using a lookalike test results too.
 12
 13

14 88. On DDC's website www.DNACenter.com (then and now), DDC falsely claimed
 15 (and claims now) its lookalike test was (is) a "paternity test and that :

16 (1) maternal DNA was "**optional**" in its "paternity" test
 17

18 (2) its lookalike (disguised as a paternity test) could calculate CPI and 99.99% PoPs
 19

20 (3) its lookalike tests (disguised as a paternity test) excluded "99.99% of non-
 21

22 fathers" and (4) its lookalike test (disguised as a paternity test) was a "paternity
 23 test,"
 24

25 89. In truth, (1) maternal DNA was NOT "**optional**" in a paternity test.
 26

27 (2) its lookalike (disguised as a paternity test) could NOT calculate CPI or PoP.
 28

(3) its lookalike tests (disguised as a paternity test) did NOT exclude "99.99% of

1 non-fathers” and (4) its lookalike test (disguised as a paternity test) was NOT a
2 “paternity test,”
3

4
5 **2019**

6 90. In late 2019, more than 2 years later Defendants caused the State of California to
7 issue wrongful garnishments on Plaintiff’s income together with *fictitious*
8 reimbursement charges to Plaintiff for the cost of the “test” and fictitious legal
9 services conditioned upon positive paternity tests.⁹
10
11

12
13 **2020**

14 91. On or about March of 2020, Plaintiff contacted Defendant Maha regarding the
15 validity of Plaintiff’s lookalike test, disguised as a paternity test. On April 1, 2020,
16 to stave off Plaintiff’s inquiry into the validity of Defendant LabCorp’s DUO-
17 motherless paternity tests, Defendant Maha directed in-house LabCorp counsel to lie
18 to Plaintiff about the validity of the test.
19
20

21
22 92. At Defendant Maha’s behest, in-house legal counsel sent Plaintiff a letter stating
23 there was no reason to question the validity of the test results. Defendants: (a)
24 claimed to have conducted an “investigation” in response to Plaintiff’s March 2020
25
26

27 _____
28 ⁹Or non-fatherhood.

1 contact, and (b) reaffirmed the 2-person DUO test was a valid and statutory
 2 “paternity” test complying with Section 7551-7555. The letter, in relevant part, stated
 3 as follows: “Dear Mr. Steinmeyer, I write in response to your recent inquiry directed
 4 to Dr. George Maha regarding the validity of certain DNA paternity testing
 5 performed by Laboratory Corporation of America (“LabCorp”). **LabCorp**
 6 **investigated your concerns and concluded that there is no reason to question the**
 7 **validity of paternity results.”**

10
 11
 12 93. Contrary to the above April 1, 2020 letter, the lookalike test disguised as a
 13 paternity test is not real and the results are invalid. The lookalike “results” are
 14 basically art. The medium is a subset of the results.
 15
 16
 17

18 **Defendants’ Scheme Begins to Unravel**

19 **2021**

20 94. In March of 2021, a peer reviewed scientific study was published regarding
 21 DUO-motherless testing and essentially concluded it operated as a trick on the
 22 untrained eye. On November 22, 2021, in a telephone exchange, Plaintiff spoke to
 23 Defendant Maha, who explained why Defendants sell these so-called “motherless”
 24 paternity tests to courts and consumers. Defendant Maha succinctly explained the
 25 situation as follows: “*If the courts and private parties want the tests that way, who*
 26
 27
 28

1 *are we to stop them?”*

2
3
4 95. On February 22, 2022, in a telephone exchange, Plaintiff spoke to LabCorp
5 DNA Director Gary Stuhlmiller, who revealed he was unsure what motivated
6 judges to order “motherless testing” but added it was likely for “financial reasons.”
7
8 Stuhlmiller resigned weeks after making this statement.¹⁰

9
10 96. In March 2022, a DNA expert produced a report revealing that the DUO-
11 motherless test' Defendants subjected Plaintiff to **was not a paternity test.**
12
13 Further, the forensic DNA expert opined “the test” did **not** have the ability to
14 exclude Plaintiff, rendering it worthless.
15

16
17 97. On or about April 12, 2022, Defendant Maha made a stunning **admission.**
18
19 During a telephonic conversation with Plaintiff, Defendant Maha was confronted
20 with the core issues plaguing Defendants’ “tests” including the maternal DNA
21 omission¹¹ together with the *fictionalized* (linked-loci) analysis.¹² There, Defendant
22 Maha admitted that the “**biological** evidence” in the motherless tests was switched
23 with “**social** science evidence.”
24
25
26

27 ¹⁰ The cost of a lookalike test is only 66% of the cost of an authentic “trio” test.

28 ¹¹ Maternal DNA omission alone creates 100,000-fold illusion of fatherhood.

¹² The confrontation occurred vis-à-vis a telephone interview of Dr. Maha.

1 98. Defendant Maha's April 12, 2022 **admission** illuminates the falsity of
 2 Defendants prior statements.¹³ In August 2022, Plaintiff filed Steinmeyer v. Lab
 3 Corporation of America, Inc et al. In October 2022, Plaintiff filed the Declaration
 4 of Forensic DNA Expert Sheila Gentile which confirms the lookalike test is not a
 5 paternity test and cannot identify the biological father.
 6
 7

8 9 **The Truth is Revealed**

10 99. In November 2022, Plaintiff discovered exactly how Defendant LabCorp
 11 creates the test results. That is, Plaintiff discovered how Defendants were able to
 12 "create" 20/20 matches in Plaintiffs (and others) tests, without fail.
 13
 14

15
 16 100. In the test, Defendants used the lookalike test, disguised as a paternity test,
 17 which systematically

- 18 (A) Fail to report 44% of the results (evidencing that plaintiff is not the
- 19 biological father of the child
- 20
- 21 (B) Actively conceal 44% of the results
- 22
- 23 (C) Secretly tested markers,
- 24
- 25 (D) Selectively reported (cherry-picked) the results, (solely in favor of the
- 26 alleging mother's claims

27
 28 ¹³ 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 and

2 (E) Switched and replaced certain of the standard FBI-CORE markers with
3 markers with unknown standards.
4

5
6 101. The lookalike “results” are basically art. The medium is a subset of the
7 results. **The above (A) through (E) also illustrates how the results are**
8 **engineered thereby clearly evidencing that the lookalike test is not a paternity**
9 **test.**
10

11
12
13 102. **BUT FOR the November discovery of (A) through (E) above,** Plaintiff
14 could not prove the lookalike was not a statutory paternity test. In November 2022,
15 Plaintiff discovered that the lookalike test and the results are not what they claim.
16 Defendants are **not** using a paternity test. Defendants are using lookalike test.
17
18

19
20 103. Discovery of the cherry picking and result hiding and marker switching
21 revealing the test was a lookalike test, not a statutory paternity test, was delayed
22 until November 2022.
23

24 104. Under the delayed discovery rule, a cause of action will not accrue until the
25 plaintiff discovers or should have discovered, through the exercise of reasonable
26 diligence, all the facts essential to the cause of action. Plaintiff did not discover and
27
28

could not have discovered, through the exercise of reasonable diligence, all the facts essential to the cause of action i.e. that the tests in question are “lookalike” tests disguised as paternity tests, made out of a small subset of the results,

105. In February 2023, Plaintiff discovered that, in addition to LabCorp’s lookalike testing scheme, DDC was LabCorp’s partner in the lookalike scheme. That is, LabCorp and DDC’s mirror image conduct is summarized in the following table and more fully described below:

	LabCorp / DDC	Forensic labs
Hiding Results :	Yes / Yes	No
Cherry-picking	Yes/Yes	No
Faux Results	Yes/Yes	No
DUO motherless	Yes/ Yes	No
Marker switch	Yes/ Yes	No

106. **Hiding results:** (*hiding mismatches*): Instead of disclosing “all results” as required by Fam Code 7552.5, Defendant Labcorp hides 16 markers or 44% of the results. Likewise, DDC is also hiding markers.

107. **Cherry picking:** Defendants LabCorp and DDC cherry-pick from 36 (and hides 16 tests), or 44% of the results. Put another way, to create the illusion of

1 scientific results, LabCorp and DDC cut and pastes 20 lab results (from 36) until
 2 LabCorp and DDC can optically paint a picture of fatherhood on the consumer vis-
 3 a-vis lookalike “results.”
 4

5
 6 **108. Faux results :** i.e. Faux CPI (and PoP): In the lookalike tests, a “CPI” and
 7 “PoP” are claimed to be the results. However, in the context of determining
 8 paternity for a female child, both “CPI and PoP” require maternal DNA to
 9 calculate. *In LabCorp’s (and DDC’s) lookalike tests, there is no maternal DNA,*
 10 *accordingly these results (CPI and PoP) are not even possible.*
 11
 12

13
 14 **109. DUO Motherless** (*hiding mismatches*): Labcorp removed maternal DNA
 15 from the standard (including Plaintiff’s) paternity test (*hiding mismatches*)
 16 Likewise, DDC also used a DUO-motherless test.
 17
 18

19
 20 **110. Marker Switch** (*hiding mismatches*): In paternity testing, labs around the
 21 United States are all required to use the same standard FBI-CORE 20 markers. To
 22 stage Plaintiff’s results further, LabCorp secretly switched and replaced 7 of the 20
 23 (or 35%) of the markers. Likewise, DDC secretly switches and replaces markers.
 24

25 **111. In addition, Plaintiff also discovered that Defendant LabCorp’s cherry-**
 26 **picking scheme and hiding evidence scheme was larger than 12 additional tests**
 27
 28

1 **discovered in early November 2022. In truth, there are at least 16 additional**
 2 **tests, not 12 as originally pled in November 2022.**

3
 4
 5 **112. That is, Defendant LabCorp cherry-picks from 36 (and hides 16 tests), or**
 6 **44% of the results. Put another way, to create the illusion of scientific results,**
 7 **LabCorp cuts and pastes 20 lab results (from 36) until LabCorp can optically**
 8 **paint a picture of fatherhood on the consumer vis-a-vis lookalike “results”**
 9 **which are basically art. The medium is a subset of the biological results. Using**
 10 **this trick alone, any male tested will appear to be the “biological father,” dependent**
 11 **only on the whims (or direction to) of LabCorp vice-presidents.**

12
 13
 14
 15
 16 **113. The lookalike tests violates both applicable regulation¹⁴ and statute¹⁵ together**
 17 **with established scientific procedures that have been in place for decades. In**
 18 **February 2023, the State of California garnished Plaintiff’s income at least two**
 19 **different times under the false pretense lookalike test is a statutory¹⁶ paternity test.**

20
 21 **114. Plainly it is not. As a matter of fact, the test cannot confirm biological**
 22 **paternity between Plaintiff and the Child in question, because it's not a real test.**
 23

24
 25 ¹⁴ LabCorp’s tests are also governed by the AABB regulations which the lookalike test plainly violates.

26 ¹⁵ In California, LabCorp’s tests are governed by Fam Code 7550 et seq.

27 Fam Code 7552.5 requires that **all** the results be disclosed, not a subset (“A copy of the results of **all genetic tests** performed shall be served upon all parties).”

28 ¹⁶ Fam Code 7552.5 requires that **all** the results be disclosed, not a subset (“A copy of the results) of **all genetic tests** performed shall be served upon all parties)

1 In February 2023, the County of San Diego advised Plaintiff, it will garnish/levy
2 Plaintiffs income/assets if Plaintiff does not pay the balance owing for County
3 related fees, including legal fees, tied to the Defendants' lookalike test.
4

5
6 115. In February 2023, Plaintiff also discovered that DDC was engaging in the
7 identical scheme as Defendant LabCorp. That is, Plaintiff discovered exactly how
8 DDC creates the results. Plaintiff further discovered that "test" DDC sold Plaintiff
9 was actually **a lookalike test disguised as a paternity test.**
10
11

12
13 **116. In February 2023, Plaintiff discovered that like Defendant LabCorp,**
14 **Defendant DDC also cherry-picks from 36 (and hides 16 tests), or 44% of the**
15 **results. Put another way, to create the illusion of scientific results, both DDC**
16 **and LabCorp cuts and paste 20 lab results (from 36) until Defendants can**
17 **optically paint a picture of fatherhood on the consumer vis-a-vis lookalike**
18 **"results" which are basically art. The medium is a subset of the biological results.**
19 **Using this trick alone, any male tested will appear to be the "biological father,"**
20 **dependent only on the whims (or direction to) of LabCorp vice-presidents or a**
21 **DDC executive officer.**
22
23
24

25
26 117. **Further,** Plaintiff discovered that like Defendants Labcorp and Maha,
27 Defendant DDC pays (bribes) Defendants Baird to violate the very regulations
28

(and Statutes) Maha and Baird claim to uphold in order for LabCorp and DDC to pretend to sell science *but deliver the identical fiction, as LabCorp and DDC's identical fraud* summarized as follows:

	<u>Lab/DDC</u>	<u>Forensic labs</u>	<u>Regulatory</u>	<u>Statutory</u>
Cherry picking	Yes	No	No	No
Hiding Results	Yes	No	No	No
Marker Switch	Yes	No	No	No
DUO Maternal DNA	Yes	No	No	No
Fictitious Results	Yes	No	No	No

X. MARKET EFFECTS

118. By impeding competition from the commercial paternity testing industry Defendants' anticompetitive conduct caused Plaintiff to pay more than he would have otherwise paid for a lookalike test disguised as a paternity test. Plaintiff would have bought a real paternity test, not a lookalike disguised as a paternity test. Absent the Defendants' anticompetitive conduct, Plaintiff would have saved material amounts of money by paying for a real paternity test and not a lookalike test.

1 119. Defendants' anticompetitive conduct caused Plaintiff to make fraudulent
2 purchases. Absent the Defendants' anticompetitive conduct, other companies would
3 have entered the market with a real test.
4

5
6 120. Defendants' anticompetitive conduct created and extended the commercial
7 paternity test monopoly. **Defendants fully exploited that monopoly from**
8 **January 2013 to the present.**
9

10
11
12
13 **XI. MARKET POWER**

14 121. At all relevant times, Defendants had market power over the commercial
15 paternity testing industry in the United States. The Defendants had the power to
16 maintain the prices of lookalike tests disguised as paternity tests at
17 supercompetitive levels without losing sufficient sales to other products.
18
19

20
21 122. Direct evidence of Defendants' market power includes the following:

22 (1) As revealed by FTC documents, in 2011, LabCorp already had a near
23 monopoly on the entire commercial paternity industry.
24

25 (2) As revealed by LabCorp documents, with respect to indirect sales, by 2016
26 LabCorp, after the 2011 FTC action independently controlled more than 60%
27
28

1 of the paternity testing in the United States, and DDC controlling that which
2 LabCorp did not,

3
4 (3) As revealed by Plaintiff's investigation, LabCorp and DDC control the
5 indirect and direct sales of paternity tests in the United States to Consumers
6 and States.

7
8 (4) As revealed by Plaintiff's investigation, LabCorp and DDC engaged in near
9 identical versions of the lookalike test schemes wherein a cheap fraud
10 replaced a scientific test which destroyed the test and results associated
11 therewith with the specific intent to inhibit competing laboratories' ability to
12 enter the market.

13
14 (5) Absent LabCorp and DDC's unlawful conduct which hid the switch from the
15 public, a genuine test would have entered the market and at a substantial
16 discount to the lookalike disguised as a paternity test.

17
18
19
20
21 123. During the relevant time, Defendants had monopoly power in the market for
22 commercial paternity testing because they had the power to exclude competition
23 and raise or maintain the price of these lookalike tests disguised and paternity tests,
24 which were in fact, worthless.
25
26
27
28

1 124. To the extent that Plaintiffs are required to prove market power through
2 circumstantial evidence by first defining a relevant product market, Plaintiff allege
3 that the relevant antitrust market is the market for commercial paternity tests in the
4 United States.
5

6
7
8 125. At all relevant times, the Defendants were protected by high barriers to entry
9 due to the high cost of entry and expansion, bribes to the regulator and a secret test
10 switch wherein a paternity test is switched with cheap, lookalike test. Defendants'
11 unlawful conduct further restricted entry. Thus, during the relevant time, existing
12 and potential market entrants lacked the ability to enter the market. The relevant
13 geographic market is the United States and its territories. Defendant LabCorp and
14 DDC's market share in the relevant market was 100%¹⁷.
15
16
17
18
19

20 **XII. EFFECT ON INTERSTATE COMMERCE**

21 126. During the relevant time period, Defendants designed, sold, and shipped
22 commercial paternity tests across state lines in an uninterrupted flow of interstate
23 commerce.
24
25
26
27

28 ¹⁷ Excepting Delaware.

1
2 127. During the relevant time period, Plaintiff purchased lookalike tests disguised
3 as real paternity tests both directly and indirectly from Defendants. As a result
4 of Defendants' illegal conduct, Plaintiff was compelled to pay, and did pay,
5 artificially inflated prices for lookalike tests disguised as a real paternity test.
6
7

8
9 128. During the relevant time period, Defendants used various devices to effectuate
10 the illegal acts alleged herein, including the United States mail, interstate and
11 foreign travel, and interstate and foreign wire commerce. All Defendants engaged
12 in illegal activities, as charged herein, within the flow of, and substantially
13 affecting, interstate commerce, including in this district.
14
15
16
17

18 **XIII. CLAIMS FOR RELIEF**
19
20

21 **COUNT ONE**
22

23 **Unjust Enrichment**

24 **(Against All Defendants)**
25

26 129. To the extent required, this claim is pled in the alternative to the other claims
27 in this Second Amended Complaint.
28

1 130. Defendants have reaped and retained substantially higher profits due to their
2 unlawful scheme. Plaintiff has conferred and continue to confer an economic
3 benefit upon Defendants in the form of profits resulting from the unlawful
4 overcharges from sales of lookalike test disguised as “paternity” tests as described
5 herein, to the economic detriment of Plaintiff.
6

7
8 131. Defendants’ financial gain from their unlawful conduct is traceable to
9 overpayments for lookalike tests disguised as “paternity” tests by Plaintiff.
10

11
12 132. Defendants have benefited from their unlawful acts and it would be inequitable
13 for Defendants to be permitted to retain any of the ill-gotten gains resulting from
14 the overpayments made by Plaintiff, directly and indirectly.
15

16
17 133. The financial benefits the Defendants derived from overcharging Plaintiff for
18 lookalike tests disguised as “paternity” tests is a direct and proximate result of
19 Defendants’ unlawful practices described herein. The financial benefits Defendants
20 derived are ill-gotten gains that rightfully belong to Plaintiff.
21

22
23
24 134. It would be wrong and inequitable, under unjust enrichment principles to be
25 permitted to retain any of the overcharges that Plaintiff paid for lookalike tests
26 disguised as “paternity” tests that were derived from Defendants’ unlawful
27 practices described herein.
28

1 135. Defendants are aware of and appreciate the benefits that Plaintiff bestowed
2 upon them. Plaintiff is entitled to the amount of Defendants' ill-gotten gains
3 resulting from their unlawful, unjust, and inequitable conduct.
4

5
6
7 **COUNT TWO**

8
9 **Monopolization Under State Law**

10 **Violation Of Cal. Bus. & Prof. Code §§ 16700**

11 **(Against Defendant Labcorp)**
12

13
14 136. By engaging in the foregoing conduct, LabCorp intentionally, willfully, and
15 wrongfully monopolized the relevant market in violation of Cal. Bus. & Prof. Code
16 §§ 16700. LabCorp violated the state law listed below by monopolizing and
17 conspiring to monopolize the market for commercial paternity tests in the United
18 States.
19

20
21
22 137. At all relevant times, LabCorp possessed substantial market power (i.e.,
23 monopoly power) with respect to commercial paternity tests. LabCorp possessed
24 the power to control prices in, prevent prices from falling in, and exclude
25 competitors from the relevant market.
26

27 138. That market power is coupled with strong regulatory and contractual barriers
28

1 to entry into the market.

2
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4 139. As alleged extensively above, LabCorp willfully maintained monopoly power
5 by using restrictive or exclusionary conduct, rather than greater business acumen,
6 and injured Plaintiff. LabCorp's conscious objective was to further its dominance
7 through exclusionary conduct.
8

9
10 140. As stated more fully above, LabCorp knowingly, willfully, and wrongfully
11 maintained monopoly power and harmed competition by: Switching the paternity
12 test with a lookalike test disguised as a real paternity test together with bribing its
13 regulator to allow it to violate the regulations.
14
15

16
17 141. LabCorp's test switch and bribing the regulator constituted exclusionary
18 conduct the purpose and effect of which is to willfully maintain monopoly power,
19 which harms purchasers, the competitive process, and consumers.
20
21

22 142. Plaintiff has been injured, and unless he obtains equitable relief will continue
23 to be injured, in his business and property as a result of LabCorp's continuing
24 monopolization.
25
26
27
28

COUNT THREE

143. By engaging in the foregoing conduct, DDC intentionally, willfully, and wrongfully monopolized the relevant market in violation of Cal. Bus. & Prof. Code §§ 16700. DDC violated the state law listed below by monopolizing and conspiring to monopolize the market for commercial paternity tests in the United States.

144. At all relevant times, DDC possessed substantial market power (i.e., monopoly power) with respect to commercial paternity tests. DDC possessed the power to control prices in, prevent prices from falling in, and exclude competitors from the relevant market.

145. That market power is coupled with strong regulatory and contractual barriers to entry into the market.

146. As alleged extensively above, DDC willfully maintained monopoly power by using restrictive or exclusionary conduct, rather than greater business acumen, and injured Plaintiff. DDC's conscious objective was to further its dominance through

1 exclusionary conduct.

2
3
4 147. As stated more fully above, DDC knowingly, willfully, and wrongfully
5 maintained monopoly power and harmed competition by: Switching the paternity
6 test with a lookalike test disguised as a real paternity test and with bribing their
7 regulator to allow it to violate the regulations.
8

9
10 148. DDC's test switch and bribing the regulator constituted exclusionary
11 conduct the purpose and effect of which is to willfully maintain monopoly power,
12 which harms purchasers, the competitive process, and consumers.
13
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16

17 149. Plaintiff has been injured, and unless he obtains equitable relief will continue
18 to be injured, in his business and property as a result of DDC's continuing
19 monopolization.
20
21
22

23 **COUNT FOUR**

24
25 **Violation Of 15 U.S.C. § 2**

26 **(Against Labcorp And DDC)**
27
28

1 149. Each Defendant violated 15 U.S.C. § 2 by monopolizing and conspiring to
2 monopolize the market for commercial paternity tests in the United States. At all
3 relevant times, LabCorp and DDC possessed substantial market power (i.e.,
4 monopoly power) with respect to commercial paternity tests in the United States.
5

6 150. LabCorp and DDC possessed the power to control prices in, prevent prices
7 from falling in, and exclude competitors from the relevant market.
8

9
10 151. That market power is coupled with strong regulatory and contractual barriers
11 to entry into the market.
12

13
14 152. As alleged extensively above, each Defendants willfully maintained and
15 conspired to maintain monopoly power by using restrictive or exclusionary
16 conduct, rather than greater business acumen, and injured Plaintiff.
17

18 Each Defendant's conscious objective was to create and maintain the monopoly
19 through exclusionary conduct.
20

21
22 153. As stated more fully above, each Defendant knowingly, willfully, and
23 wrongfully maintained monopoly power and harmed competition by: (1) Switching
24 the paternity test with a cheap "lookalike" test disguised as "paternity" tests and
25 (2) Bribing the Regulator (Maha and Baird), as described herein, to the economic
26 detriment of Plaintiff
27
28

1 154. The test switch and bribing the regulator constituted exclusionary conduct the
2 purpose and effect of which is to willfully maintain monopoly power, which harms
3 purchasers, the competitive process, and consumers, in violation of Section 2 of the
4 Sherman Act.
5

6
7
8 155. Plaintiff has been injured, and unless he obtains equitable relief will continue
9 to be injured, in their business and property as a result of each Defendants'
10 continuing monopolization in violation of Section 2 of the Sherman Act.
11
12
13

14 **COUNT FIVE**

15 **Intentional Misrepresentation**

16 **(Against Defendants Maha and LabCorp)**
17
18

19 156. Plaintiff hereby restates and incorporates by reference the preceding
20 paragraphs as though set forth in full herein.
21
22

23 157. Plaintiff is informed and believes and thereon alleges that Defendant, Maha
24 and Dr. Gary Stuhlmiller who made the representations herein, are the authorized
25 agents of defendant LabCorp and at the time of making the representations herein
26 alleged and at all times herein mentioned, were acting within the course and scope
27
28

1 of his agency and authority for LabCorp.

2 158. On March 22, 23 and 24, through LabCorpDNA.com, Defendants claimed
3 maternal DNA was “optional” and not necessary for a paternity test with CPI and
4 99.99% PoP and Plaintiff relied on the same to his detriment.
5

6
7
8 159. Defendant Maha, on behalf of LabCorp made the following representations to
9 Plaintiff that its motherless paternity test was actually a paternity test. When Maha
10 made this representation, he knew them to be false and made this representation
11 with the intention to deceive, defraud and induce Plaintiff to act in reliance on these
12 representations in the manner hereinafter, or with the expectation that Plaintiff
13 would so act.
14
15

16
17 160. Plaintiff, at the time this representation was made by Defendant and at the time
18 Plaintiff took the actions herein alleged, was ignorant of the falsity of Defendants’
19 representations and believed them to be true. In reliance on these representations,
20 Plaintiff was induced to submit to a motherless paternity test.
21
22

23
24 161. Had Plaintiff known the actual facts, he would have requested an actual
25 scientific paternity test which would have excluded him as the alleged father.
26

27 Plaintiff’s reliance on Defendants’ representation was justified because there is no
28 reason a layperson would have otherwise not relied on the statement made by an

1 officer of a publicly traded corporation such as LabCorp.

2 162. As a proximate result thereof, Plaintiff has been damaged in an amount to be
3 proven at trial but not less than the jurisdictional limit of this court. The
4 aforementioned conduct was an intentional misrepresentation, deceit and/or
5 concealment of material facts known to Defendants, with the intention on the part
6 of Defendants of thereby depriving Plaintiff of property, legal rights or otherwise
7 causing injury and was despicable conduct that subjected to cruel and unjust
8 hardship and conscious disregard of Plaintiff's rights, so as to justify an award of
9 exemplary and punitive damages.
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15 **COUNT SIX**

16 **Fraudulent Concealment**

17 **(Against Defendants Maha and LabCorp)**
18
19

20 163. Plaintiff hereby restates and incorporates by reference the preceding
21 paragraphs as though set forth in full herein. Plaintiff is informed and believes and
22 thereon alleges that Defendant, Maha and, Dr. Gary Stuhlmiller who concealed
23 certain information, are the authorized agents of Defendant LabCorp and at the time
24 of making the representations herein alleged and at all times herein mentioned,
25 were acting within the course and scope of his agency and authority for LabCorp.
26
27
28

1 164. The court appointed LabCorp and Maha as Plaintiff's genetic experts in his
2 underlying case. Therefore, LabCorp and Maha had a duty to Plaintiff to provide
3 genetic testing services in compliance with Section 7551-7555 and disclose the
4 truth concerning 2-person lookalike testing. Maha on behalf of LabCorp,
5 deliberately concealed the true facts regarding lookalike testing and deliberately
6 concealed the true facts known to them or failed to make any reasonable
7 investigation to determine the true facts from which representations were made as
8 to lookalike testing to determine whether they were true or false, and without
9 having any sufficient basis on which to make any representations, knowingly made
10 false representations, concealing the defectiveness of 2-person lookalike testing as
11 set forth in this complaint.
12
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17 165. Not only did Defendants conceal information from Plaintiff, they intentionally
18 switched Plaintiff's paternity test with a lookalike test. Defendant's agents
19 concealed the facts when they each knew the true and correct facts regarding
20 lookalike testing. The concealment of the true facts from Plaintiff was done with
21 the intent to induce Plaintiff to submit to lookalike testing and continue their
22 profitable enterprise of marketing non-scientific and non-complaint genetic tests to
23 the courts.
24
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28 166. That had Plaintiff known that lookalike testing was not a scientific genetic test

1 or an actual paternity test, he would not have submitted to a lookalike test and
2 instead requested a real paternity test.
3

4
5 167. Defendants' concealment of information and act of intentionally switching
6 Plaintiff's paternity test with a meaningless test, harmed Plaintiff. The
7
8 aforementioned conduct was deceitful and/or a concealment of material facts
9 known to Defendants, with the intention on the part of Defendants of thereby
10 depriving Plaintiff of property, legal rights or otherwise causing injury and was
11 despicable conduct that subjected to cruel and unjust hardship and conscious
12 disregard of Plaintiff's rights, so as to justify an award of exemplary and punitive
13 damages.
14
15

16
17 **COUNT SEVEN**

18 **Negligence Per Se**

19
20 **(Against Defendants Maha and LabCorp)**

21
22 168. Plaintiff hereby restates and incorporates by reference the preceding
23 paragraphs as though set forth in full herein.
24

25
26 169. LabCorp and Maha were negligent and negligence per se in the performance
27 of their duties as experts on behalf of Plaintiff in the underlying case. Defendants
28

1 violated genetic testing standards under Section 7551-7555 of the Family Law
2 Code, prohibiting lookalike testing. For example, Fam Code 7552.5
3
4 Fam Code section 7552.5 requires that all the results be disclosed, not a subset. (“A
5 copy of the results of **all genetic tests** performedshall be served upon all
6 parties).”
7

8 170. Plaintiff is a member of the class of persons the statutes and regulations were
9 designed to protect, that is, alleged fathers. In other respects, Defendants were also
10 negligent because they owed a duty to Plaintiff to perform accurate genetic testing
11 that included disclosing all tests (not a subset) which identify 20 paternal matches
12 between alleged father and child, performing a scientific and biological genetic test.
13
14

15
16 171. Defendants breached their duty to Plaintiff because they switched Plaintiff’s
17 paternity test with a lookalike test that is unable to determine paternity between
18
19

20 172. Plaintiff and Little Doe in Plaintiffs underlying case. As a direct and
21 proximate result of the negligence and negligence per se of Defendants, Plaintiff
22 sustained damages. All damages suffered by Plaintiff were incurred as a result of
23 the negligence or negligence per se, carelessness, and/or recklessness of
24 Defendants.
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COUNT EIGHT

Violation of California Consumer Legal Remedies Act

(Cal. Bus. & Prof. Code, § 1770)

(Against Defendants Maha and LabCorp)

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

174. Defendant LabCorp was engaged in the business of marketing and selling paternity testing across the State of California, including to the San Diego Superior Court. On or about March of 2017, Plaintiff agreed to submit to what he believed to be a statutory and scientific paternity test. LabCorp violated Section 1770 of the Act by, among other things, representing that Plaintiff's motherless test was a scientific and statutory paternity test.

175. More than 30 days before filing this suit, Plaintiff notified LabCorp of its deceptive business practice and demanded that LabCorp rectify the deception. LabCorp refuses and still refuses to rectify the deceptive business practices by continuing to market motherless testing as scientific paternity testing. As a

1 proximate result of LabCorp's deceptive business practice, Plaintiff suffered
2 injuries including but not limited to actual damages in the amount of \$2,000,000.
3

4
5 176. As a result of LabCorp's deceptive business practice, Plaintiff is entitled to
6 bring this suit to recover actual damages, court costs as a prevailing Plaintiff
7 pursuant to Civil Code, Section 1780.
8

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10
11 **COUNT NINE**
12

13 **Violation of California Consumer Legal Remedies Act**

14 **(Cal. Bus. & Prof. Code, § 1770)**

15 **(Against Defendants Baird and DDC)**
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17

18 177. Plaintiff hereby restates and incorporates by reference the preceding
19 paragraphs as though set forth in full herein. Defendant DDC was engaged in the
20 business of marketing and selling paternity testing across the State of California.
21

22
23 178. On or about October 1 of 2018, Plaintiff purchased what he believed to be a
24 scientific paternity test. DDC violated Section 1770 of the Act by, among other
25 things, representing that Plaintiff's test was a scientific and paternity test. In truth, it
26 is a lookalike test.
27
28

1 179. More than 30 days before filing this suit, Plaintiff notified DDC of its
2 deceptive business practice and demanded that DDC rectify the deception. DDC
3 refuses and still refuses to rectify the deceptive business practices by continuing to
4 market motherless testing as scientific paternity testing. As a proximate result of
5 DDC's deceptive business practice, Plaintiff suffered injuries including but not
6 limited to actual damages in the amount of \$2,000,000.
7
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10 180. As a result of DDC's deceptive business practice, Plaintiff is entitled to bring
11 this suit to recover actual damages, court costs as a prevailing Plaintiff pursuant to
12 Civil Code, Section 1780.
13
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16

17 **COUNT TEN**

18 **Violation of California False Advertising Law**

19
20 **(Cal. Bus. & Prof. Code, §17500 et seq.)**

21 **(Against Defendants Maha and LabCorp)**
22

23 181. Plaintiff hereby restates and incorporates by reference the preceding
24 paragraphs as though set forth in full herein.
25

26 182. Section 17500 makes it unlawful: "For any person,... corporation... or any
27 employee thereof with intent directly or indirectly to dispose of real or personal
28

1 property or to perform services... or to induce the public to enter into any
2 obligation relating thereto, to make or disseminate... before public in this state,...
3 in any newspaper or other publication... or in any other manner or means
4 whatever... any statement, concerning that real or personal property or those
5 services... which is untrue or misleading, and which is known, or which by
6 exercise of reasonable care, should be known, to be untrue or misleading....” (§
7 17500)
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12 183. Beginning on or about a date unknown to Plaintiff, and continuing to the date
13 of this complaint, Defendants have conducted a campaign of advertising to the
14 public. This advertising consists of false statements made on LabCorp’s website,
15 SEC filings and representations to alleged fathers and the court regarding the
16 validity of its motherless testing for purposes of determining paternity. This
17 marketing and advertising were and are disseminated to the public across the state
18 of California.
19
20
21

22 184. Defendants have made and disseminated this advertising with the intent
23 directly or indirectly to induce courts, private parties (such as Plaintiff), and other
24 members of the public to purchase or submit to lookalike testing for the purposes of
25 determining paternity. Defendants’ advertising was untrue or misleading, and
26 likely to deceive the public, as follows: (1) LabCorp’s lookalike testing is not
27
28

1 scientific and not an actual paternity test, **(2)** LabCorp's lookalike testing does not
2 actually determine CPI or PoP, **(3)** LabCorp's lookalike testing does not perform
3 20 subtests, **(4)** Labcorp's lookalike test is not biological evidence, it is social
4 science based.
5

6
7
8 185. In making and disseminating the above statements, Defendants knew, or by
9 the exercise of reasonable care should have known, that these statements were
10 untrue or misleading. Plaintiff is informed and believes, and on the basis of that
11 information and belief alleges, that, unless enjoined by this court, Defendants will
12 continue to engage in the untrue and misleading advertising alleged above.
13
14

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16 186. As a direct and proximate result of the advertising described above,
17 Defendants have received from Plaintiff, and continue to hold, an amount to be
18 determined at trial. Plaintiff is informed and believes, and on the basis of that
19 information and belief alleges, that as a further direct and proximate result of the
20 advertising described above, Defendants have received from members of the
21 general public, and continue to hold, money acquired from the general public by
22 Defendants as a result of marketing and selling unscientific kinship tests sold as
23 scientific paternity tests.
24
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26
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28

COUNT ELEVEN

Violation of California False Advertising Law

(Cal. Bus. & Prof. Code, § 17500 et seq.)

(Against Defendants Baird and DDC)

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

188. Section 17500 makes it unlawful: “For any person,... corporation... or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services... or to induce the public to enter into any obligation relating thereto, to make or disseminate... before public in this state,... in any newspaper or other publication... or in any other manner or means whatever... any statement, concerning that real or personal property or those services... which is untrue or misleading, and which is known, or which by exercise of reasonable care, should be known, to be untrue or misleading....” (§ 17500)

189. Beginning on or about a date unknown to Plaintiff, and continuing to the date

1 of this complaint, Defendants have conducted a campaign of advertising to the
2 public. This advertising consists of false statements made on DDC's website and
3 representations to alleged fathers and the court regarding the validity of its
4 lookalike testing for purposes of determining paternity. This marketing and
5 advertising were and are disseminated to the public across the state of California.
6
7 190. Defendants have made and disseminated this advertising with the intent
8 directly or indirectly to induce courts, private parties (such as Plaintiff), and other
9 members of the public to purchase or submit to lookalike testing for the purposes of
10 determining paternity. Defendants' advertising was untrue or misleading, and
11 likely to deceive the public, as follows: **(1)** DDC's lookalike testing is not scientific
12 and not an actual paternity test, **(2)** DDC's lookalike testing does not actually
13 determine CPI or PoP, **(3)** DDC's lookalike testing does not perform 20 subtests,
14 **(4)** DDC's lookalike test is not biological evidence, it is social science based.
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20 191. In making and disseminating the above statements, Defendants knew, or by
21 the exercise of reasonable care should have known, that these statements were
22 untrue or misleading. Plaintiff is informed and believes, and on the basis of that
23 information and belief alleges, that, unless enjoined by this court, Defendants will
24 continue to engage in the untrue and misleading advertising alleged above.
25
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28 192. As a direct and proximate result of the advertising described above,

1 Defendants have received from Plaintiff, and continue to hold, an amount to be
2 determined at trial. Plaintiff is informed and believes, and on the basis of that
3 information and belief alleges, that as a further direct and proximate result of the
4 advertising described above, Defendants have received from members of the
5 general public, and continue to hold, money acquired from the general public by
6 Defendants as a result of marketing and selling unscientific lookalike tests sold as
7 scientific paternity tests.
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13 **COUNT TWELVE**

14 **Violation of the California Unfair Competition Law**

15 **(Bus. & Prof. Code, § 17200)**

16 **(Against Defendants Maha and LabCorp.)**
17
18

19 193. Plaintiff hereby restates and incorporates by reference the preceding
20 paragraphs as though set forth in full herein.
21
22

23 194. Commencing on a date unknown to Plaintiff, Defendants have committed the
24 following acts of unfair competition, as defined by Business and Professions Code
25 section 17200, by engaging in deceptive, untrue, or misleading advertising of its
26 lookalike testing as scientific paternity tests.
27
28

1 195. The acts described above were and are likely to mislead the general public and
2 therefore constitute fraudulent or misleading acts within the meaning of Business
3 and Professions Code section 17200. The fraudulent business and misleading
4 practices of Defendants are likely to continue and therefore will continue to mislead
5 the public by inducing alleged fathers like Plaintiffs to submit to unscientific
6 paternity testing and presents a continuing threat to the public.
7
8

9
10 196. As a direct and proximate result of Defendants' conduct, Defendants have
11 received and continue to receive profits generated by sales that rightfully belong to
12 members of the general public who have been adversely affected by Defendants'
13 conduct, as well as to Plaintiff by virtue of Plaintiff's monetary damages exceeding
14 \$2,000,000.
15
16

17
18 **COUNT THIRTEEN**

19
20 **Violation of the California Unfair Competition Law**

21 **(Bus. & Prof. Code, § 17200)**

22 **(Against Defendants Baird and DDC)**
23

24 197. Plaintiff hereby restates and incorporates by reference the preceding
25 paragraphs as though set forth in full herein.
26
27
28

1 198. Commencing on a date unknown to Plaintiff, Defendants have committed the
2 following acts of unfair competition, as defined by Business and Professions Code
3 section 17200, by engaging in deceptive, untrue, or misleading advertising of its
4 lookalike testing as scientific paternity tests.
5

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8 199. The acts described above were and are likely to mislead the general public and
9 therefore constitute fraudulent or misleading acts within the meaning of Business
10 and Professions Code section 17200. The fraudulent business and misleading
11 practices of Defendants are likely to continue and therefore will continue to mislead
12 the public by inducing alleged fathers like Plaintiffs to submit to unscientific
13 paternity testing and presents a continuing threat to the public.
14
15

16
17 200. As a direct and proximate result of Defendants' conduct, Defendants have
18 received and continue to receive profits generated by sales that rightfully belong to
19 members of the general public who have been adversely affected by Defendants'
20 conduct, as well as to Plaintiff by virtue of Plaintiff's monetary damages exceeding
21 \$2,000,000.
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COUNT FOURTEEN

Battery

(Against Defendants LabCorp and Maha)

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

202. That Defendants caused Plaintiff to be touched with the intent to harm or offend him. That Plaintiff did not consent to the touching. Defendant LabCorp touched plaintiff for purposes of pretending to conduct a paternity test, but in truth only a meaningless lookalike test was intended and effectuated. Plaintiff consented to a paternity test, not a meaningless test.

203. That Plaintiff was harmed by Defendant's conduct which includes Defendants secretly switched Plaintiffs "*paternity test*" and replaced it with a *meaningless test* with intent to sell meaningless "evidence" resulting therefrom to the courts and obtain ill gotten reimbursement from Plaintiff and the Federal government. Defendants switched Plaintiff's **test with a lookalike test causing material** damages to Plaintiff.

1 204. That the lookalike switch in the paternity test caused the “the evidence”
2 against paternity is switched to “for paternity.” That a reasonable person in
3 Plaintiff’s situation would have been offended by the conduct.
4

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7 **COUNT FIFTEEN**

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9 **Third Party Contract**

10 **(Against Defendant LabCorp)**
11

12 205. Plaintiff hereby restates and incorporates by reference the preceding
13 paragraphs as though set forth in full herein.
14

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16 206. That Defendant LabCorp breached its contract with the County of San Diego
17 by effectuating non-statutory tests on Plaintiff. That Plaintiff would in fact benefit
18 from the Paternity testing contract between the Defendants County of San Diego
19 and LabCorp.
20

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23 207. A motivating purpose of the County of San Diego and LabCorp contracting
24 parties were to provide a benefit to the Plaintiff, and if not excluded from paternity,
25 charge the Plaintiff for a paternity test.
26
27
28

1 208. That permitting Plaintiff to bring his own breach of contract action against
2 Defendant LabCorp is consistent with the objectives of the contract and the
3
4 reasonable expectations of the contracting parties.
5

6
7
8 **COUNT SIXTEEN**

9 **Negligent Manufacture**

10 **(Against Defendant LabCorp)**
11

12 209. Plaintiff hereby restates and incorporates by reference the preceding
13 paragraphs as though set forth in full herein.
14

15
16 210. Defendants were the designers of the lookalike test and were negligent by
17 failing to use the amount of care in designing the lookalike test. That a reasonably
18 careful designer would use in similar circumstances to avoid exposing others to a
19 foreseeable risk of harm.
20

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23 211. Defendants should have known about the likelihood and severity of potential
24 harm from the product against the burden of taking safety measures to reduce or
25 avoid the harm.
26
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28

COUNT SEVENTEEN

Negligent Manufacture

(Against Defendant DDC)

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

213. Defendants were the designers of the lookalike test and were negligent by failing to use the amount of care in designing the lookalike test. That a reasonably careful designer would use in similar circumstances to avoid exposing others to a foreseeable risk of harm.

214. Defendants should have known about the likelihood and severity of potential harm from the product against the burden of taking safety measures to reduce or avoid the harm.

COUNT EIGHTEEN

Conversion

(Against Defendants LabCorp and Maha)

215. Plaintiff hereby restates and incorporates by reference the preceding

1 paragraphs as though set forth in full herein.

2
3
4 216. That Plaintiff possessed and had a right to possess his financial assets
5 including cash. That Defendants substantially interfered with Plaintiff's property
6 by knowingly or intentionally causing the taking possession of Plaintiff's cash
7 refusing to return the after Plaintiff demanded its return. That Plaintiff did not
8 consent.
9

10
11
12 217. That Plaintiff was harmed.

13
14 218. That Defendants conduct was a substantial factor in causing Plaintiff's harm.
15
16
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19
20 **COUNT NINETEEN**

21 **Conversion**

22 **(Against Defendants DDC and Baird)**
23

24 219. Plaintiff hereby restates and incorporates by reference the preceding
25 paragraphs as though set forth in full herein.
26
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28

1 220. That Plaintiff possessed and had a right to possess his financial assets
2 including cash. That Defendants substantially interfered with Plaintiff's property
3 by knowingly or intentionally causing the taking possession of Plaintiff's cash
4 refusing to return the after Plaintiff demanded its return. That Plaintiff did not
5 consent.
6

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8
9 221. That Plaintiff was harmed.
10

11
12 222. That Defendants conduct was a substantial factor in causing Plaintiff's harm.
13

14
15 **COUNT TWENTY**
16

17 **False imprisonment**
18

19 **(Against Defendants Labcorp and Maha)**
20

21 223. Plaintiff hereby restates and incorporates by reference the preceding
22 paragraphs as though set forth in full herein.
23

24 224. That Defendants intentionally deprived Plaintiff of his freedom of movement
25 by use of threats of force, menace, fraud, deceit, unreasonable duress; and That the
26 meaningless, albeit positive "test" caused plaintiff to be restrained, confinement and
27
28

1 detained in meaningless proceedings, meeting throughout 2017 and 2018 and
2 continued intermittently through 2022.
3

4
5 225. That Plaintiff was even forced into meetings to discuss someone else's child.
6 That Plaintiff did not knowingly or voluntarily consent, and Plaintiff attended these
7 matters by force menace, fraud, deceit, unreasonable duress; That Plaintiff was
8 actually harmed; and That Defendants conduct was a substantial factor in causing
9 Plaintiff's harm.
10
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13 226. That in addition to recovery for emotional suffering and humiliation, Plaintiff
14 was subjected to false imprisonment, Plaintiff is also entitled to compensation for
15 other resultant harm, such as loss of time, physical discomfort or inconvenience,
16 any resulting physical illness or injury to health, business interruption, and damage
17 to reputation, as well as punitive damages.
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22 **COUNT TWENTY-ONE**

23 **Strict liability**

24 **(Against Defendant LabCorp)**

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27 227. Plaintiff hereby restates and incorporates by reference the preceding
28

1 paragraphs as though set forth in full herein.
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4 228. Plaintiff was harmed by the lookalike test designed, distributed and sold by
5 Defendants. Labcorp's test contains manufacturing defects when the product
6 departs from its intended design even though all possible care was exercised in the
7 preparation and marketing of the product;
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10 229. That is defectives in design and foreseeable risks of harm posed by the
11 lookalike test could have been reduced or avoided by the adoption of a reasonable
12 alternative design by the seller or other distributor, and the omission of the
13 alternative design renders the product not reasonably safe.
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17 230. The lookalike test is defective because of inadequate instructions or warnings
18 when the foreseeable risks of harm posed by the product could have been reduced
19 or avoided by the provision of reasonable instructions or warnings by the
20 Defendants, and the omission of the instructions or warnings renders the lookalike
21 test product not reasonably safe.
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COUNT TWENTY-TWO

Strict liability

(Against Defendant DDC)

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

231. Plaintiff was harmed by the lookalike test designed, distributed and sold by Defendants. DDC's test contains manufacturing defects when the product departs from its intended design even though all possible care was exercised in the preparation and marketing of the product.

232. That is defectives in design and foreseeable risks of harm posed by the lookalike test could have been reduced or avoided by the adoption of a reasonable alternative design by the seller or other distributor, and the omission of the alternative design renders the product not reasonably safe.

233. The lookalike test is defective because of inadequate instructions or warnings when the foreseeable risks of harm posed by the product could have been reduced or avoided by the provision of reasonable instructions or warnings by the Defendants, and the omission of the instructions or warnings renders the lookalike

1 test product not reasonably safe.

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5 **COUNT TWENTY-THREE**

6 **(42 U.S. Code § 1983)**

7 **(Fifth Amendment)**

8 **(Fourteenth Amendment)**

9 **(Against Defendant Rob Bonta)**

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13 234. Against Defendant Rob Bonta in his official capacity as Attorney General for
14 the State of California. Plaintiff brings this suit pursuant to Title 42 U.S. Code §
15 1983 for violations of certain protections guaranteed to him by the Fifth, and
16 Fourteenth Amendments of the federal Constitution, by the defendant under color
17 of law in Defendant Bonta's capacity as California State of California Attorney
18 General
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22 42 U.S. Code § 1983:

23 235. Every person who, under color of any statute, ordinance, regulation, custom,
24 or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of
25 the United States or other person within the jurisdiction thereof to the deprivation
26 of any rights, privileges, or immunities secured by the Constitution and laws, shall
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1 be liable to the party injured in an action at law, suit in equity, or other proper
 2 proceeding for redress.
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 5 236. Defendant Rob Bonta is a the State of California Attorney General, and
 6 oversees the garnishment of Plaintiffs accounts using non-statutory test and non
 7 statutory procedure to result in significant takings on Plaintiff. Accordingly, Issue
 8 injunctive relief commanding Defendant Bonta either garnish Plaintiff's accounts
 9 with a statutory paternity test, or stop garnishment.
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 14 **COUNT TWENTY-FOUR**

15 **(42 U.S. Code § 1983)**

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 17 **(Fifth Amendment)**

18 **(Fourteenth Amendment)**

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 20 **(Against Defendant Honorable Gary Bubis)**

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 22 237. Plaintiff brings this suit pursuant to Title 42 U.S. Code § 1983 for violations of
 23 certain protections guaranteed to him by the Fifth, and Fourteenth Amendments of
 24 the federal Constitution, by the defendant under color of law in Defendant Bubis'
 25 capacity as a judge in the Superior Court of San Diego.
 26

27 42 U.S. Code § 1983.
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3 238. Every person who, under color of any statute, ordinance, regulation, custom,
4 or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of
5 the United States or other person within the jurisdiction thereof to the deprivation
6 of any rights, privileges, or immunities secured by the Constitution and laws, shall
7 be liable to the party injured in an action at law, suit in equity, or other proper
8 proceeding for redress.
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12 239. Defendant Gary Bubis is a Judge presiding at San Diego County Superior
13 Court and caused non-statutory paternity test non statutory procedure to result in
14 significant takings on Plaintiff. Said takings repeat bi-weekly.
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17 240. Accordingly, Plaintiff requests the Court issue injunctive relief commanding
18 Defendant to Honorable Judge Bubis order Defendant LabCorp and Maha to either
19 complete statutory paternity test or, withdraw the order.
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24 **XIV. DEMAND FOR JUDGMENT**

25 **PRAYER FOR RELIEF**
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28 **WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

1 A. Requiring Defendants to pay damages sustained by Plaintiff by reason of the
2 acts alleged herein in an amount to be determined at trial but no less than
3 \$2,000,000;
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5 B. Awarding Plaintiff prejudgment and post-judgment interest, as well as
6 reasonable expert fees, and other costs;
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8 C. Awarding Plaintiff punitive damages;

9 D. An order for Preliminary Injunctive Relief including commanding Defendant to
10 Honorable Judge Bubis order Defendant LabCorp and Maha to either complete
11 statutory paternity test or withdraw the order.
12

13 E, An order for Preliminary Injunctive Relief injunctive relief commanding
14 Defendant to Honorable Judge Bubis order Defendant LabCorp and Maha to either
15 complete statutory paternity test or, withdraw the order.
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17 F. An order enjoining Defendant illegal monopoly and lookalike testing switch
18 scheme therein pursuant to Section 16 of the Clayton Act, 15 U.S.C. § 26 for
19 injunctive and equitable relief to remedy Defendants' violations of Section 2 of the
20 Sherman Antitrust Act, 15 U.S.C. § 2.
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22 G. Awarding such other and further relief (including equitable relief) as this Court
23 may deem just and proper
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XV. JURY TRIAL DEMAND

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Dated: March 2, 2023

Respectfully Submitted,
Plaintiff, in Propria Persona

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