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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

HEARTBEAT INTERNATIONAL, INC., AND REALOPTIONS, INC.,

Defendants.

Case No.: 23CV044940

DEFENDANTS' TRIAL BRIEF

Judge: Hon. Patrick McKinney
Dept: 18
Date: June 24, 2026
Time: 10:00 a.m.

Action filed: September 21, 2023

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I. INTRODUCTION

This case asks if truthful statements about a free service are punishable commercial fraud. Defendants Heartbeat International, Inc. and RealOptions, Inc. are religiously motivated pro-life charities. They provide free information about supplemental progesterone—"Abortion Pill Reversal" or "APR"—to women who have begun a chemical abortion but seek to preserve their pregnancies. The Attorney General alleges in this enforcement action that several of their APR statements are false or misleading commercial speech under the False Advertising Law (FAL) and Unfair Competition Law (UCL), which are fined at $2,500 under each statute ($5,000 total). He alleges 128 violations by RealOptions, which totals $640,000 in fines and 3,972 violations by Heartbeat or $19.86 million in fines. Beyond crippling fines, the Attorney General seeks injunctive relief to prevent Defendants from communicating scientific findings about a legal, safe, and effective medical procedure.

The record does not support that extraordinary relief for numerous reasons. Defendants' speech is not false or misleading, but supported by the FDA and numerous peer-reviewed journal articles. Even if it were false, it is protected by a litany of constitutional rights such that Defendants' speech alone could only be restricted if it caused real harm. Yet, despite pre-litigation investigations and extensive discovery, the Attorney General has never been able to find any harm—only happy mothers. And even if Defendants' speech did violate the FAL and UCL, $20 million in fines would be a clearly exorbitant and vindictive penalty for offering a free service for which nobody has ever been harmed or complained, and would force local nonprofits serving their communities into bankruptcy.

II. SUMMARY OF LEGAL ISSUES

A. First Threshold Issue: Defendants' Speech About APR is Not Commercial.

The AG concedes that the FAL and UCL reach only commercial speech. (AG Resp. to RFA Nos. 12, 13.) Commercial speech "does no more than propose a commercial transaction." (*Bernardo v. Planned Parenthood Fedn. of America* (2004) 115 Cal.App.4th 322, 343, quotations omitted). The applicable factors are whether the speaker is commercial, the intended audience is commercial, and the speech contains "representations of fact of a commercial nature." (*Kasky v. Nike, Inc.* (2002) 27 Cal.4th 939, 963-964, citations omitted.) For close calls, courts also consider whether an economic motive is the *primary* driver for the speech. (*Id.* at pp.956-957; *Ariix, LLC v. NutriSearch Corp.* (9th Cir. 2021) 985

F.3d 1107, 1117.) And speech loses any commercial character if "inextricably intertwined with otherwise fully protected speech" (*Riley v. Natl. Fedn. of the Blind* (1988) 487 U.S. 781, 796), or about matters of the "highest public interest and concern." (*Pines v. Tomson* (1984) 160 Cal.App.3d 370, 392-393.)

Defendants' APR speech is not commercial under those standards. They are noncommercial entities, direct their APR statements to a noncommercial audience of women facing an abortion decision and a broader audience of supporters and the general public, and provide free information. Their speech is driven by sincere religious, rather than economic, motives. And the speech falls squarely within a "rancorous national controversy" about abortion. (*Dobbs v. Jackson Women's Health Org.* (2022) 597 U.S. 215, 292.) None of this is "expression related solely to the economic interests of the speaker and its audience." (*Central Hudson Gas & Elec. Corp. v. Public Service Com.* (1980) 447 U.S. 557, 561.)

The Attorney General's sole argument is that Defendants' fundraising changes the analysis. (See *First Resort, Inc. v. Herrara* (9th Cir. 2017) 860 F.3d 1263, abrogated by *NIFLA v. Becerra* (2018) 585 U.S. 755.) It does not. It is "incidental and collateral to their main object" of helping women and their unborn children. (*Murdock v. Pennsylvania* (1943) 319 U.S. 105, 111-1112; *Ariix*, *supra*, 985 F.3d at p.1117 & fn.7.) It is equally irrelevant that donations "may rise" when a nonprofit communicates its "victories" to supporters. (*In re Primus* (1978) 436 U.S. 412, 429-430.)[1] That conclusion does not change just because speech concerns a medical service, least of all in this case, where Heartbeat "do[es] not provide APR" itself and RealOptions does not provide APR "in order to gain some financial benefit," as it "receive[s] no direct or indirect payment" for the APR it provides. (*NIFLA v. James* (2d Cir. 2025) 160 F.4th 360, 376-77.)

B. Second Threshold Issue: The AG's Failure-to-Substantiate Theory Is Invalid.

Although government "prosecuting authorities … may demand advertisers substantiate their claims *before* pursuing an action," "*[a]t trial*" a prosecutor "still bears the burden of proving that the representations are false or misleading." (*Mullins v. Premier Nutrition Corp.* (N.D. Cal. 2016) 178 F.Supp.3d 867, 892; citing *Natl. Council Against Health Fraud, Inc. v. King Bio Pharmaceuticals, Inc.* (2003) 107 Cal.App.4th 1336, 1348, emphases added.) A prosecuting authority may not "shift the burden to the defendant to substantiate its claims" i.e., prove the "tru[th]" of their advertising claims.

[1] The same is true of Heartbeat's membership fees and incidental program revenue, which it receives for the purpose of supporting its noncommercial, religiously motivated mission.

(*Id.* at p.1347.) He instead must prove falsity or misleadingness "by testing, scientific literature, or anecdotal evidence." (*Id.* at pp.892-893; citing *King Bio*, *supra*, 107 Cal.App.4th at 1348.)[2]

The Attorney General fails to carry that burden. His only "evidence" is testimony criticizing Defendants' "testing, scientific literature, or anecdotal evidence" in support of APR. (*King Bio*, *supra*, at p.1348.) He points to no studies whatsoever even purporting to show APR is not safe or effective. The only affirmative study he cites is Creinin 2020, but only for the (specious) proposition that it "suggests—but does not establish—that bleeding requiring medical intervention is a potential side effect of" mifepristone without misoprostol. (AG's Resp. to FROGs, pg. 27). Notably, even the FDA prohibits drug label warnings absent "significant medical evidence of a possible health hazard," including "when differences of opinion exist within the medical community with regard to potential adverse reactions." (*Carlin v. Superior Court* (1996) 13 Cal.4th 1104, 1114.).[3] The Attorney General's reliance on mere criticisms of Defendants' affirmative evidence *per se* fails to meet his burden.

C. The AG Fails to Show Defendants' Speech is False or Misleading Advertising.

1. Elements of an FAL/UCL Claim.

The Attorney General's UCL claim is derivative of his FAL claim, so the claims overlap here. (*Kasky v. Nike, Inc.* (2002) 27 Cal.4th 939, 950-951.) The FAL prohibits anyone (1) "with intent directly or indirectly to dispose of real or personal property or to perform services … to induce the public to enter into any obligation relating thereto," (2) "to make or disseminate … before the public … any statement, concerning that … property or those services … which is untrue or misleading," and (3) which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading." (Bus. & Prof. Code, § 17500.)

The second element requires proof that a *significant portion* of the public or targeted consumers who are acting reasonably under the circumstances is *likely* to be deceived when a statement is read in

[2] This is distinct from the FTC, which can prevail either by "carry[ing] the burden of proving that the express or implied message by the ad is false," or "*[a]lternatively*" by "show[ing] that the advertiser lacked a reasonable basis for asserting that the message was true." (*FTC v. Garvey* (9th Cir. 2004) 383 F.3d 891, 901.) Critically, unlike California law, a "reasonable basis" claim "*does not require the FTC to prove that the message was false in order to prevail.*" (*Id.*, emphasis added)

[3] This position is also inconsistent as the Attorney General insists that Defendants' statements regarding the efficacy of APR are invalid insofar as they rely on *case series* that allegedly only *suggest* rather than "*establish*" facts about APR.

context. (*Bank of the West v. Sup. Ct.* (1992) 2 Cal.4th 1254, 1267; *Lavie v. Procter & Gamble Co.* (2003) 105 Cal.App.4th 496, 508-510; *Salazar v. Walmart, Inc.* (2022) 83 Cal.App.5th 561, 566, 569.) Similarly, only a "material" misrepresentation is actionable, that is, when "a reasonable man would attach importance to its existence or nonexistence in determining his choice of action in the transaction in question." (*Fairbanks v. Farmers New World Life Ins. Co.* (2011) 197 Cal.App.4th 544, 565.) The third element requires intentional or at least negligent misrepresentation. (*Khan v. Medical Bd.* (1993) 12 Cal.App.4th 1834, 1846; *People v. Forest E. Olson, Inc.* (1982) 137 Cal.App.3d 137, 140.)

2. The Attorney General Cannot Satisfy the Elements.

a. Heartbeat's APR Referral Program.

The Attorney General targets several statements (and an alleged omission) within Heartbeat's APR referral program. None are actionable.

(i) ***"Reversal."*** Established science confirms that an *agonist* (i.e., supplemental progesterone) can outcompete an *antagonist* with a stronger binding affinity (i.e., mifepristone) at a receptor they both can bind to if the agonist concentration is high enough. (Accord *Bella Health & Wellness v. Weiser* (D. Colo. 2025) 793 F. Supp. 1320, 1332.) That is accepted science. "Reverse" accurately describes this "competitive inhibition" process. When the vast weight of evidence is on Defendants' side, their statements cannot be false (as opposed to opinion). (*Bernardo*, *supra*, 115 Cal.App.4th at pp.348-349.)

(ii) ***"Effective."*** Defendants have abundant, valid, peer-reviewed scientific support for describing APR as effective. That evidence base includes the 2018 Delgado study, 2012 Delgado study, the DeBeasi Report, the 2017 Garratt and Turner study, the 2023 Turner study, and the UC Davis study—alongside FDA reviews, and standard biochemistry, which is all backed up by both Heartbeat's and RealOptions' internal data. That evidence shows an almost 0% likelihood of this success being due to chance and, at minimum, Defendants have acted with reasonable care (i.e., not negligently) in relying on this body of science when speaking about APR's effectiveness.

(iii) ***64%-68% success rate & birth-defects.*** These statements accurately reflect the 2018 Delgado study findings as to oral and intramuscular APR and birth-defect observation. The vast majority of APR is administered orally. Defendants even caveat that the rate is only from "initial studies." The Attorney General's primary criticism is that the study itself was not "credible," but

Delgado 2018 is eminently credible and reliable and Defendants' reliance on it was not negligent.

(iv) ***APR "May" Work After 72 Hours.*** Defendants advise women that it may not be too late to save their pregnancy even if 72 hours have passed since taking mifepristone. The Attorney General's primary criticism is that there is no study reviewing these cases, although numerous individual cases do exist. But in light of the conditional nature of the advisement, the Attorney General must prove that it could never work, which he can't. As discussed, the basic science of APR shows that it can outcompete otherwise active mifepristone and individual cases have been documented.

(v) ***Misoprostol/Methotrexate.*** Defendants advise women that progesterone "may" help support their "pregnancy" after taking misoprostol or methotrexate, even though it is "not an antidote." Like above, the Attorney General's primary criticism is that there is no study reviewing these cases, although numerous individual cases of APR after misoprostol or methotrexate do exist.[4] But Defendants make numerous disclaimers that there are no such studies, but that a woman can still request a referral if she wants, which is sufficient. (*A&M Produce Co. v. FMC Corp.* (1982) 135 Cal.App.3d 473, 490.)[5]

(vi) ***"Severe, life-threatening bleeding."*** The Attorney General demands that Defendants disclose that APR can supposedly cause "severe, life-threatening bleeding." But that demand is based solely on the failed 2020 Creinin study. (AG's Resp. to FROGs, pg. 27.) Again, even the FDA would not allow disclosure on such flimsy "evidence." (*Carlin*, *supra*, 13 Cal.4th at p.1114.) And the records in Creinin's failed study showed that his conclusion was absolutely false. No women in the APR group had a hemorrhage requiring medical intervention.

b. RealOptions's APR Treatment.

(i) ***Website.*** The Attorney General challenges RealOptions' use on its website of Heartbeat's model FAQs, which include references to APR being (i) "reversal," (ii) "effective," and (iii) having a 64-68% success rate in initial studies. This speech is not false or misleading for the reasons stated above.

(ii) ***Informed Consent Forms.*** The Attorney General also alleges that RealOptions' informed

[4] Heartbeat has never provided a methotrexate referral to a California woman.

[5] The same disclosures are conspicuously provided on the second page of Heartbeat's model consent forms and meant to be read *before* the woman has consented to any APR treatment. They are hardly akin to the Attorney General's later-disclosure and fine-print case citations.

consent form is misleading for failing to disclose APR's supposed life-threatening side-effect. But, as stated above, there is no evidence whatsoever to support that APR can be dangerous.

c. Heartbeat's APR Advocacy.

The Attorney General targets APR information on Heartbeat's supporter-facing APR page, and as presented by Heartbeat personnel on two podcasts. But these statements are all aimed at current or potential supporters, seeking to spread the word about APR. Communication to prospective and current donors is quintessentially non-commercial (*Kasky*, *supra*, 27 Cal.4th at pp.966-967), and thus not subject to the FAL and UCL in this action.

Even assuming these statutes apply, the Attorney General's claims largely fail on the merits for the reasons just discussed (i.e., "reversal" and "effective" are accurate characterizations). Additionally, the Attorney General targets statements announcing that "*statistics* show thousands of lives" have been saved. That statement is derivative of others (i.e., the "effective" statement) but also accurately reflects an aggregation of APR data, which is a valid *statistical* measure, and which includes a baseline of 1,545 *known* mifepristone reversals.

D. Defendants' APR Speech is Constitutionally Protected.

1. Free Speech

Defendants' speech is protected even assuming, *arguendo*, it is commercial. The U.S. Supreme Court cautions that "[f]alse commercial speech … has never been listed among the historically unprotected categories of speech." (*Counterman v. Colorado* (2023) 600 U.S. 66, 77, fn.4.) And commercial speech that is only "*potentially* misleading" still triggers intermediate scrutiny. (*American Academy*, *supra*, 353 F.3d at p.1107.) Defendants' APR information is protected speech.

a. The AG targets matters of disputed science based on content.

"[S]tatements about contested" science receive special constitutional protection because they resemble opinion: "the conclusions of empirical research are tentative and subject to revision." (*ONY, Inc. v. Cornerstone Therapeutics, Inc.* (2d Cir. 2013) 720 F.3d 490, 496-498.) That principle has particular force in medicine, and earlier this year the U.S. Supreme Court reaffirmed that content-based censorship even of for-profit medical speech based on alleged "medical consensus" triggers strict scrutiny, because "medical consensus" "evolves" and "[l]icensed professionals have a host of good-

faith disagreements about the prudence and ethics of various practices in their field." (*Chiles v. Salazar* (2026) 146 S.Ct. 1010, 1029, quotations omitted.)

That aptly describes this case. The Attorney General seeks to punish, based on content, speech that accurately recites findings of valid peer-reviewed scientific studies amidst (at worst) a "good-faith disagreement" among "licensed professionals" about APR. He highlights professionals he claims agree with him about APR while ignoring conclusions of professional obstetrics associations with collectively more than ten thousand members that endorse APR, such as AAPLOG. While the Attorney General has a right to agree with one side of the scientific debate and publish his view that that side is correct, he may not impose crippling penalties to silence Defendants for agreeing with the other side of this live and good-faith debate among obstetrics professionals.

The Attorney General also lacks proof of cognizable "injury," which would ensure "breathing room for protected speech." (*Chiles*, *supra*, 146 S.Ct. at p.1029.) Thus, he is attempting to censor alleged "falsity alone," disassociated from any "legally cognizable harm." (*U.S. v. Alvarez* (2012) 567 U.S. 709, 719 [plur. opn.]; accord *id.* at pp.730-731 [conc. opn. of Breyer, J.].)[6] Indeed, he *admits* he has "no evidence of any complaints from APR patients related to APR treatment." (AG Resp. to RFA Nos. 4, 17; AG Resp. to FROG No. 3.) Nor can he show that Defendants spoke with the mens rea the First Amendment requires when government suppresses potentially protected speech based on content. (*Counterman*, *supra*, 600 U.S. at p.75.) The same applies to allegedly commercial speech. (*Sorrell v. IMS Health, Inc.* (2011) 564 U.S. 552, 566, 577.)

Zauderer also limits the Attorney General's theory. To be sure, government may restrict false commercial speech under certain circumstances. (*Zauderer v. Office of Disciplinary Counsel* (1985) 471 U.S. 626.) But *Zauderer* allows only *disclaimers* that are "purely factual" and "noncontroversial." Abortion-related information is "anything but … 'uncontroversial'." (*NIFLA v. Becerra* (2018) 585 U.S. 755, 768.) The same goes for legitimately disputed science. (*California Chamber of Commerce v. Council for Educ. & Research. on Toxics* (9th Cir. 2022) 29 F.4th 468, 478 [disclosure wrongly "elevates one side of a legitimacy unresolved scientific debate"].)

[6] Nothing in *Alvarez*'s condemnation of censorship of alleged "falsity alone" *excludes* commercial speech. (See *Kohls v. Bonta* (E.D. Cal. 2025) 797 F.Supp.3d 1177, 1184 [statute unconstitutional because "unlike fraud, AB 2839 does not require reliance or actual injury"].)

b. Viewpoint-based restriction

Even unprotected speech is protected from viewpoint discrimination. (*R.A.V. v. City of St. Paul* (1992) 505 U.S. 377.) Defendants have evidence "rais[ing] the specter" that the Attorney General's content-based enforcement action is viewpoint-based, triggering strict scrutiny. (*Id.* at 487; see Defs.' Resp. to AG's MIL No. 2; Defs.' Trial RJN.) For example, the Attorney General's post-*Dobbs* press releases condemned "crisis pregnancy centers" for allegedly disseminating "misleading" information and were followed by the Reproductive Rights Task Force's express targeting of Heartbeat's APR information. This supports the inference that he is "us[ing] the power of the State to punish disfavored expression." (*Natl. Rifle Assn. of America v. Vullo* (2024) 602 U.S. 175, 188.)

Yelp, Inc. does not counsel otherwise. It's true the Attorney General is "entitled to have enforcement priorities." (*Yelp, Inc. v. Paxton* (9th Cir. 2025) 137 F.4th 944, 956.) But *Yelp* also expressly recognized that while evidence of the Attorney General's pro-life bias *could establish "a First Amendment defense,"* it was not enough "to justify *Younger*'s bad-faith exception" to federal abstention. (*Id.* at 955-956.) Thus, *Yelp* confirms Defendants' viewpoint discrimination defense.[7]

c. The AG Cannot Satisfy Even Intermediate Scrutiny.

At minimum, intermediate scrutiny applies to Defendants' statements if they could be misread to be *potentially* misleading commercial speech. Under intermediate scrutiny, the Attorney General must show that his enforcement action directly advances a substantial government interest through narrowly tailored means. (*Central Hudson*, *supra*, 447 U.S. at pp.563, 565.)

He cannot make that showing. Restricting speech about a medical treatment does not directly advance a substantial government interest when the treatment itself remains legal. (*U.S. v. Caronia* (2d Cir. 2012) 703 F.3d 149, 162-169.) And without any consumer complaints, known patient injury, or affirmative proof of deception, he lacks "evidence establishing that the harms [he] recites are real, and that [his] speech restriction will significantly alleviate those harms." (*Junior Sports Magazines, Inc. v. Bonta* (9th Cir. 2023) 80 F.4th 1109, 1117.) Nor can he colorably claim the censorship is narrowly tailored; a "public-information campaign" informing women of his views on APR would be a quintessentially less-restrictive alternative. (*NIFLA*, *supra*, 585 U.S. at p.775.)

[7] The AG concededly makes no attempt to satisfy strict scrutiny. (Resp. to RFA No. 13.)

2. Free Exercise of Religion

Federal and state free exercise protections independently defeat the Attorney General's claims. Defendants' speech is motivated by their sincere religious beliefs, so the Attorney General's enforcement action is (1) necessarily subject to strict scrutiny under the California Free Exercise Clause (*Valov v. Dept. of Motor Vehicles* (2005) 132 Cal.App.4th 1113, 1126 & fn.7), and (2) subject to strict scrutiny under the Federal Free Exercise Clause if the laws he invokes are not neutral or generally applicable. (*Fulton v. City of Philadelphia* (2021) 593 U.S. 522, 534.) They are not generally applicable as applied. The FAL and UCL exempt public entities, allowing advisory boards to engage in deceptive advertising, (*PETA, Inc. v. California Milk Producers Advisory Bd.* (2005) 125 Cal.App.4th 871, 876-881), which undermines the government's interest in preserving competition and preventing consumer injuries, (*Cal-Tech Communications, Inc. v. L.A. Cellular Telephone* (1999) 20 Cal.4th 163, 180). By permitting comparable secular activity while burdening Defendant's religiously motivated speech, the Attorney General triggers strict scrutiny. (*Tandon v. Newsom* (2021) 593 U.S. 61, 62 [per curiam].)

The enforcement record independently confirms that strict scrutiny applies because the Attorney General de facto exempts "comparable" speech by Planned Parenthood. Planned Parenthood's website falsely claims that abortion pills is sells for profit to vulnerable patients "are safer than … Tylenol," without informing women that mifepristone can cause severe, life-threatening bleeding. The abortion provider's website further falsely claims that APR has never been *studied* for safety, effectiveness and side-effects. Yet the Attorney General targets only Defendants' speech. (See *Fellowship of Christian Athletes v. San Jose Unified Sch. Dist.* (9th Cir. 2023) 82 F.4th 664, 689 [en banc] ["pattern of selective enforcement favoring comparable activity" triggers strict scrutiny].)

3. Reproductive Privacy rights

The Attorney General's enforcement action also interferes with a woman's federal privacy right to "bear or beget a child" after taking mifepristone. (See, e.g., *Eisenstadt v. Baird* (1972) 405 U.S. 438, 453.) California's constitutional protection of privacy is even broader (Cal. Const., art. I, §§ 1, 1.1), and the state Reproductive Privacy Act protects "personal reproductive decisions" about "all matters relating to pregnancy." (Health & Saf. Code, § 123462; see *Comm. to Defend Reproductive Rights v. Myers* (1981) 29 Cal. 3d 252, 262.) Cutting off information about APR directly interferes with these rights,

including by interfering with Defendants' attempts to *aid or assist* pregnant women in exercising their right to continue a wanted pregnancy. (Health & Saf. Code, § 1123467(b).) The Attorney General's enforcement action thus triggers strict scrutiny for this reason, too, which he makes no attempt to meet.

E. Any Penalties Should Be De Minimis.

In light of the above, Defendants have not violated the FAL or UCL and no remedy is needed. Nevertheless, for completeness, Defendants offer a brief overview of the relevant considerations. Under the FAL, a violation is punished "by a fine not exceeding two thousand five hundred dollars ($2,500)." (Bus. & Prof. Code, § 17500.) The same is true for the UCL. (Bus. & Prof. Code, § 17206, subd. (a).) The Court can order a duplicative penalty if the same conduct violates both statutes. (*People v. Johnson & Johnson* (2022) 77 Cal.App.5th 295, 318.) The statutes of limitations for the FAL is three years, such that violations which occurred prior to September 21, 2020 could not be penalized. (Bus. & Prof. Code, § 17536; Code Civ. Proc., § 338(h).) The FAL also does not apply extraterritorially, so Heartbeat cannot be penalized for out-of-state referrals. (*Planned Parenthood Fedn. of America, Inc. v. Center for Medical Progress* (N.D. Cal. 2020) 613 F.Supp.3d 1190, 1214.)

Under the FAL, "the duty to impose a penalty for each violation ... is mandatory." (*People v. Custom Craft Carpets, Inc.* (1984) 159 Cal.App.3d 676, 686.) "The amount of each penalty, however, lies within the court's discretion." (*Id.*) More, the number of violations could be calculated on multiple bases, including a per victim basis or a per day basis. (*People v. Overstock.com, Inc.* (2017) 12 Cal.App.5th 1064, 1088.) The amount of the penalty is based on the seriousness of the misconduct, its willfulness, the number of violations, and the defendant's assets. (Bus. & Prof. Code, § 17206, subd. (b).) Thus, relevant is "the amount of the [defendant's] monetary gain." (*People v. Natl. Assn. of Realtors* (1984) 155 Cal.App.3d 578, 586.) Here, there is no FAL violation. But even if there were, because Defendants' APR speech is entirely charitable, and religiously motivated, with no monetary gain and nobody ever harmed, any penalty would need to be de minimis.[8]

III. CONCLUSION

This Court should find Defendants not liable.

[8] (See *People v. Beaumont Investment, Ltd.* (2003) 111 Cal.App.4th 102 [$37 each for 14,124 violations: $525,000 penalty]; *People v. Morse* (1993) 21 Cal.App.4th 259 [$0.10 each for 4 million violations: $400,000 penalty]; *People v. Dollar Rent-A-Car Systems, Inc.* (1989) 211 Cal.App.3d 119 [$0.20 each for 500,000 violations: $100,000 penalty].)

Respectfully submitted,

LiMANDRI & JONNA LLP

Dated: June 10, 2026

By: _____

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COURT OF THE STATE OF CALIFORNIA ALAMEDA COUNTY SUPERIOR COURT - OAKLAND BRANCH		FOR COURT USE ONLY
TITLE OF CASE (Abbreviated) **People of the State of California v. Heartbeat Int'l, Inc., et al.**		
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CERTIFICATE OF SERVICE

I, Kathy Denworth, declare that: I am over the age of 18 years and not a party to the action; I am employed in, or am a resident of the County of San Diego, California; where the mailing occurs; and my business address is P.O. Box 9120, Rancho Santa Fe, CA 92067, Telephone number (858) 759-9930; Facsimile number (858) 759-9938.I further declare that I served the following document(s) on the parties in this action:

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X **(BY E-MAIL/ELECTRONIC MAIL)** I caused a copy of the foregoing document(s) to be sent to the persons at the e-mail addresses listed above, this date via internet/electronic mail.

X (**BY ELECTRONIC FILING/SERVICE)** I caused such document(s) to be Electronically Filed and/or Service through the One Legal System.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 10, 2026.

Kathy Denworth