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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF ALAMEDA

16 **THE PEOPLE OF THE STATE OF**  
17 **CALIFORNIA,**  
18 **Plaintiff,**  
19 **v.**  
20 **HEARTBEAT INTERNATIONAL, INC.,**  
21 **REALOPTIONS, DOES 1-100,**  
22 **INCLUSIVE,**  
23 **Defendants.**

Case No. 23CV044940

**THE PEOPLE’S TRIAL BRIEF**

Date: June 17, 2026  
Time: 1:30 p.m.  
Dept: 18  
Judge: The Honorable Patrick  
McKinney  
Trial Date: June 24, 2026  
Action Filed: September 21, 2023

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1 **INTRODUCTION**

2 Plaintiff the People of the State of California, by and through Attorney General Rob Bonta,  
3 (Plaintiff or the People) allege that Defendants Heartbeat International, Inc. (HBI or Heartbeat)  
4 and RealOptions, Inc. (RO or RealOptions) (collectively, Defendants) have violated and continue  
5 to violate the Unfair Competition Law (UCL), Bus. & Prof. Code, § 17200 et seq., and the False  
6 Advertising Law (FAL), Bus. & Prof. Code, § 17500 et seq. Defendants use false and/or  
7 misleading statements to advertise a medical treatment known as Abortion Pill Reversal (APR).  
8 The People seek civil penalties and injunctive relief.

9 This trial brief consists of 1) the legal standards at issue; 2) a glossary of medical and case  
10 specific terms that will be used frequently throughout the trial; 3) the People’s summary of the  
11 claims and affirmative defenses; 4) the People’s penalty calculations; and 5) issues that the  
12 People request that the Court address at the pretrial conference.

13 **APPLICABLE LEGAL STANDARD**

14 The UCL and the FAL safeguard “the right of the public to protection from fraud and  
15 deceit.” (*Comm. On Children’s Television, Inc. v. Gen. Foods Corp.* (1983) 35 Cal.3d 197, 211  
16 (*Children’s Television*)). The UCL and FAL “focus on the defendant’s conduct, rather than the  
17 plaintiff’s damages, in service of the statute’s larger purpose of protecting the general public  
18 against unscrupulous business practices.” (*In re Tobacco II Cases* (2009) 46 Cal.4th 298, 312.)

19 Accordingly, advertisements violate the FAL and the UCL if “members of the public are  
20 likely to be deceived.”<sup>1</sup> (*Children’s Television, supra*, at p. 211.) The statutes “prohibit ‘not only  
21 advertising which is false, but also advertising which, although true, is either actually misleading  
22 or which has a capacity, likelihood or tendency to deceive or confuse the public.’” (*Kasky v. Nike,*  
23 *Inc.* (2002) 27 Cal.4th 939, 951.) “Allegations of actual deception, reasonable reliance, and  
24 damage are unnecessary.” (*Children’s Television, supra*, at p. 211.) “Intent of the disseminator  
25 and knowledge of the customer are both irrelevant.” (*Chern v. Bank of America* (1976) 15 Cal.3d  
26

27 \_\_\_\_\_  
28 <sup>1</sup> “Any violation of the [FAL]...necessarily violates the [UCL].” (*Children’s Television,*  
*supra*, at p. 210.)

1 866, 876 (*Chern*.) The failure to disclose facts that would make a representation not misleading  
2 can also constitute a violation. (*See id.*)

## 3 GLOSSARY OF TERMS

### 4 I. MEDICATIONS

- 5 • **Progesterone:** An essential hormone for pregnancy continuation, progesterone ensures  
6 that the uterus maintains its lining and does not contract. To do so, progesterone must  
7 connect with progesterone receptors in the uterus and the cervix.
- 8 • **Mifepristone:** Also referred to as RU-486, mifepristone is the first drug in the Federal  
9 Drug Administration-approved two-drug medication abortion regimen. Mifepristone binds  
10 with progesterone receptors, thereby blocking the progesterone from binding with those  
11 receptors and from ensuring that the uterus maintains its lining and does not contract.  
12 Mifepristone binds twice as strongly to progesterone receptors than the progesterone  
13 itself.
- 14 • **Misoprostol:** The second drug in the two-drug medication abortion regimen.  
15 Misoprostol triggers uterine contractions that expel the pregnancy.
- 16 • **Methotrexate:** Methotrexate is used off-label for abortion care. In the United States,  
17 methotrexate is most often used in the treatment of ectopic pregnancies, which are  
18 pregnancies where the embryo has implanted in the fallopian tube instead of the uterus.
- 19 • **Depot Medroxyprogesterone Acetate (DMPA):** A highly potent progestin injectable  
20 contraceptive method that lasts for three months.

### 21 II. SCIENTIFIC LITERATURE TERMS

- 22 • **Randomized Controlled Trials (RCTs):** The “gold standard” for showing effectiveness  
23 of treatments, RCTs randomly assign subjects into a group receiving a placebo or a group  
24 receiving treatment. In double-blinded RCTs, neither the subjects nor the researchers  
25 know who is receiving the placebo or the treatment. In single-blinded RCTs, the  
26 researchers know who is receiving the placebo or treatment, but the subjects do not.

- 1 • **Cohort Studies:** Cohort studies look at populations that are otherwise similar but are  
2 defined by the presence or absence of variables that can influence the occurrence of a  
3 specific outcome, such as smoking and lung cancer.<sup>2</sup> Prospective cohort studies follow the  
4 population over time to study how the variable (e.g., smoking) may affect the likelihood  
5 of the outcome (lung cancer). Retrospective cohort studies look at medical records using  
6 pre-set parameters to study how variables may affect the likelihood of the outcome  
7 occurring. The strength of a cohort study depends on the steps taken to eliminate other  
8 possible variables that might explain why an outcome occurred.
- 9 • **Case Series:** Case series are articles that report on the diagnosis and treatment of a set of  
10 patients.<sup>3</sup> Because case series are not randomized and do not eliminate other possible  
11 variables that might explain why an outcome occurred, case series cannot show that a  
12 particular variable caused a particular outcome.
- 13 • **Bench Research:** Bench research involves studies in laboratories looking at the effect of  
14 interventions at the cellular level or in animals.<sup>4</sup> Bench research can raise questions and  
15 support further research but is considered one of the weakest forms of medical evidence  
16 and cannot show that a particular variable caused a particular outcome.<sup>5</sup>

## 17 SUMMARY OF CLAIMS AND DEFENSES

### 18 I. THE PEOPLE'S CLAIMS

#### 19 A. Heartbeat

20 The few articles purporting to study APR as a medical treatment are insufficient to show  
21 that APR is effective, let alone that it has a particular success rate, has no adverse effects, and  
22 does not cause any birth defects. There are also no studies about the use of APR after misoprostol  
23 or methotrexate or following 72 hours after taking mifepristone. Despite having knowledge of

24 <sup>2</sup> (Oeyemi Daramola & John S. Rhee, *Policy Forum: Rating Evid. In Med. Literature*,  
25 Am. Med. Assn. Journal of Ethics, Vol. 13, p. 46, 47 (Jan. 2011) (hereinafter *Rating Evid. In  
Med. Literature*).)

26 <sup>3</sup> (*Id.* at p. 48.)

27 <sup>4</sup> (Assn. of Am. Med. Colleges, *Basic Science*, <https://www.aamc.org/about-us/mission-areas/biomedical-research/basic-science> (last visited June 1, 2026) (hereinafter *Basic Science*).)

28 <sup>5</sup> (*Rating Evid. In Med. Literature* at p. 47; *Basic Science*.)

1 this lack of scientific evidence, HBI nevertheless has made—and continues to make—the  
2 following false and/or misleading statements in advertisements for APR in a variety of forums:

3 **1. Effectiveness Statement:** HBI claims, for example, that APR is an “effective” process that  
4 “has been shown to increase the chances of allowing the pregnancy to continue” and that APR  
5 “is an effective process...that gives your unborn child a second chance at life.”

- 6 ○ **Forums:** APRN Website; APR Webpage on HBI Website; APRN Hotline/Chat; APR  
7 Provider Training Kit; APRN Consent Forms; Media Appearances

8 **2. Success Rate Statement:** HBI claims, for example, that “[u]sing the natural hormone  
9 progesterone, medical professions have been able to save 64-68% of pregnancies through  
10 APR” and that “[i]nitial studies of APR have shown it has a 64-68% success rate.”

- 11 ○ **Forums:** APRN Website; APR Webpage on HBI Website; APRN Hotline/Chat; APR  
12 Provider Training Kit; APRN Consent Forms; Media Appearances

13 **3. Reversal Statement:** HBI claims, for example, that APR can “reverse the abortion pill,” that  
14 APR can “reverse the effects of the abortion pill (also known as a chemical abortion or a  
15 medical abortion),” and calls the treatment “Abortion Pill Reversal.”

- 16 ○ **Forums:** APRN Website; APR Webpage on HBI Website; APRN Hotline/Chat; APR  
17 Provider Training Kit; APRN Consent Forms; Media Appearances

18 **4. Thousands of Lives Statement:** HBI claims, for example, that “[s]tatistics show that  
19 thousands of lives have been saved (and counting) through the abortion pill reversal  
20 protocol!”

- 21 ○ **Forums:** APR Webpage on HBI Website; Media Appearances

22 **5. Birth Defects Statement:** HBI claims, for example that “[i]nitial studies have found that the  
23 birth defect rate in babies born after the APR is less or equal to the rate in the general  
24 population.”

- 25 ○ **Forums:** APRN Website; APR Webpage on HBI Website; APRN Hotline/Chat; APR  
26 Provider Training Kit; APRN Consent Forms

27 **6. Misoprostol/Methotrexate Statement:** HBI claims, for example, that “for women who have  
28 taken methotrexate,” APR “may also be beneficial to support the pregnancy, even though

1 progesterone is not an antidote to methotrexate” and that “for women who have taken both  
2 mifepristone and misoprostol,” APR “may be effective beneficial to support the pregnancy,  
3 even though progesterone is not an antidote to misoprostol.”

- 4 ○ **Forums:** APRN Hotline/Chat; APR Provider Training Kit; APRN Consent Forms

5 **7. Side Effects Statement:** HBI implies that APR can only cause mild side effects from  
6 progesterone such as “sleepiness, lack of energy, lightheadedness, dizziness, gastrointestinal  
7 discomfort and headaches” without also disclosing that taking mifepristone without  
8 misoprostol—which is a necessary step in the APR protocol—may cause severe bleeding.

- 9 ○ **Forums:** APRN Website; APRN Hotline/Chat; APR Provider Training Kit

10 **8. Timing Statement:** HBI implies that APR may be effective more than 72 hours after taking  
11 mifepristone, stating that “[e]ven if 72 hours have passed,” individuals should call HBI’s  
12 hotline, that HBI is “here to help” and that “[i]t may not be too late.”

- 13 ○ **Forums:** APRN Website; APRN Hotline/Chat; APR Provider Training Kit

#### 14 **B. RealOptions**

15 RealOptions similarly has made—and continues to make—the following false and/or  
16 misleading statements in advertisements for APR in a variety of forums, despite RealOptions  
17 having knowledge about that the scientific evidence does not support these claims:

18 **9. Effectiveness Statement:** RO claims, for example, that APR is an “effective” process and  
19 that APR “has been shown to increase the chances of allowing the pregnancy to continue.”

- 20 ○ **Forums:** APR Webpage on RO Website

21 **10. Success Rate Statement:** RO claims, for example, that “[i]nitial studies of APR have shown  
22 it has a 64-68% success rate.”

- 23 ○ **Forums:** APR Webpage on RO Website

24 **11. Reversal Statement:** RO claims, for example, that APR can “reverse the effects of the  
25 abortion pill” and that there is “an effective process called abortion pill reversal,” and calls the  
26 treatment “Abortion Pill Reversal.”

- 27 ○ **Forums:** APR Webpage on RO Website

28

1 **12. Side Effects Statement:** RO implies that APR can only cause mild side effects from  
2 progesterone such as “sleepiness, lack of energy, lightheadedness, dizziness, gastrointestinal  
3 discomfort and headaches” without adequately and timely disclosing that taking mifepristone  
4 without misoprostol—which is a necessary step in the APR protocol—may cause severe  
5 bleeding.

- 6 ○ **Forums:** RO Consent Forms

7 **13. Timing Statement:** RO implies that APR may be effective more than 72 hours after taking  
8 mifepristone, stating that “[e]ven if 72 hours have passed,” individuals should call the APRN  
9 hotline, that RO is “here to help” and that “[i]t may not be too late.”

- 10 ○ **Forums:** APR Webpage on RO Website

## 11 **II. AFFIRMATIVE DEFENSES**

12 There are three affirmative defenses remaining: 1) violation of Defendants’ free speech  
13 rights; 2) violation of Defendants’ free exercise rights; and 3) violation of Section 1.1 of the  
14 California Constitution and the Reproductive Privacy Act (RPA), Health & Saf. Code § 123467.<sup>6</sup>  
15 (Def. Mem. P. & A. in Supp. of Mot. for Summ. J. at pp. 9-23 (Jan. 19, 2026) [Def. MSJ].)  
16 None of these defenses have merit.

### 17 **A. Free Speech**

18 Defendants primarily argue that their speech is not commercial and therefore is subject to  
19 heightened First Amendment protection.<sup>7</sup> “[C]ommercial speech that is false or misleading is not  
20 entitled to First Amendment protection and ‘may be prohibited entirely.’” (*Kasky, supra*, 27  
21 Cal.4th at p. 953.) Under California law, “categorizing a particular statement as commercial or  
22 noncommercial speech requires consideration of three elements: the speaker, the intended

23 \_\_\_\_\_  
24 <sup>6</sup> The Court granted summary adjudication in the People’s favor on Defendants’ equal  
25 protection affirmative defense, which was based on a selective enforcement theory. (Order Ruling  
26 on Submitted Matter (May 5, 2026).)

27 <sup>7</sup> Defendants also argue that this enforcement action is the result of viewpoint  
28 discrimination in violation of their free speech rights. (See, e.g., Defs. MSA at pp. 16-17.) That  
defense is identical to the Equal Protection Clause selective enforcement defense. (*Hoye v. City of  
Oakland* (9th Cir. 2011) 653 F.3d 835, 855.) The Court has already found that there is no material  
factual dispute regarding the selective enforcement defense, and so Defendants’ viewpoint  
discrimination defense also fails. (Order Ruling on Submitted Matter (May 5, 2026).)

1 audience, and the content of the message.” (*Id.* at p. 960.) Under federal law, “[c]ommercial  
2 speech is ‘usually defined as speech that does no more than propose a commercial transaction.’”  
3 (*Ariix, LLC v. NutriSearch Corp.* (9th Cir. 2021) 985 F.3d 1107, 1115.) But because “speech that  
4 does not propose a commercial transaction on its face can still be commercial speech,” “[c]ourts  
5 view ‘this definition [as] just a starting point’” and “try to give effect to ‘a “common-sense  
6 distinction” between commercial speech and other varieties of speech.’” (*Ibid.*) “[S]trong  
7 support’ that the speech should be characterized as commercial speech is found where [1] the  
8 speech is an advertisement, [2] the speech refers to a particular product, and [3] the speaker has  
9 an economic motivation.” (*Id.* at pp. 1115-16.)

10 Defendants use their advertisements to persuade individuals to obtain their respective APR  
11 services and to persuade individuals not go to medical providers who do not provide APR. On  
12 that basis alone, the advertisements constitute commercial speech. (*First Resort, Inc. v. Herrera*  
13 (9th Cir. 2017) 860 F.3d 1263, 1273.) Additionally, Defendants financially benefit from  
14 advertising APR and drawing in more patients, providing further support that their advertisements  
15 are commercial speech. (*Ibid.*)

## 16 **B. Free Exercise**

17 Defendants primarily argue that this action is not a “generally applicable” enforcement of  
18 the UCL and FAL. (Defs. MSJ at p. 19.) Defendants must show either: (1) the existence of “a  
19 ‘formal mechanism for granting exceptions’ that ‘invite[s] the government to consider the  
20 particular reasons for a person’s conduct,’” or (2) that the “law ‘prohibits religious conduct while  
21 permitting secular conduct’ that also works against the government’s interest in enacting the  
22 law.” (*Tingley v. Ferguson* (9th Cir. 2022) 47 F.4th 1055, 1087-88, abrogated on other grounds.)  
23 “[W]hether two activities are comparable for purposes of the Free Exercise Clause must be  
24 judged against the asserted government interest that justifies the regulation at issue,” as well as  
25 whether “the permitted secular conduct that contravened the legitimate government interests  
26 underlying the policy” did so “to the same degree.” (*Waln v. Dysart Sch. Dist.* (9th Cir. 2022) 54  
27 F.4th 1152, 1159, emphasis in original.)  
28

1 This defense is materially identical to Defendants’ selective enforcement defense under the  
2 Equal Protection Clause. (Defs. MSJ at p. 19 [“if a rule is not *enforced* against certain secular  
3 activity, then it cannot be enforced against comparable religious activity, unless strict scrutiny  
4 applies”]; p. 25 [People “has aimed the State’s consumer-fraud enforcement power at these pro-  
5 life speakers while declining to bring any comparable action against abortion providers, drug  
6 manufacturers, or advocacy organizations” about mifepristone claims].) The Court has already  
7 found that there is no material factual dispute regarding this theory, and so Defendants’ Free  
8 Exercise claim fails as well. (Order Ruling on Submitted Matter (May 5, 2026).)

### 9 C. Privacy Rights

10 Defendants claim that this action impermissibly interferes with individuals’ reproductive  
11 choices. (Defs. MSJ at p. 23.) Under the California Constitution, “the state shall not deny or  
12 interfere with an individual’s reproductive freedom in their most intimate decisions, which  
13 includes their fundamental right to choose to have an abortion and their fundamental right to  
14 choose or refuse contraceptives.” (Cal. Const. art. 1, § 1.1.) The RPA states that a “person who  
15 aids or assists a pregnant person in exercising their rights under this article shall not be subject to  
16 civil or criminal liability or penalty, other otherwise be deprived of their rights, based solely on  
17 their actions to aid or assist a pregnant person in exercising their rights under this article with the  
18 pregnant person’s voluntary consent.” (Health & Saf. Code, § 123467, subd. (b).)

19 As the Court already determined, this action “is attacking Defendants’ allegedly false  
20 advertising and not anyone’s reproductive freedom.” (Demurrer Order at p. 4.) Defendants’ use  
21 false and/or misleading representations in their APR advertisements undercuts that Defendants  
22 provide any “aid[] or assist[ance]” to individuals who contact them about APR.

### 23 PENALTY CALCULATIONS

24 Upon a finding of liability under the UCL and/or FAL, the Court “shall impose a civil  
25 penalty” of up to \$2,500 for every violation of the UCL (Bus. & Prof. Code, § 17206) and up to  
26 \$2500 for every violation of the FAL.<sup>8</sup> (Bus. & Prof. Code, § 17536.) “The penalties under the

27 <sup>8</sup> The People intend to present at trial the evidence necessary to support its penalties and  
28 injunctive relief requests, but the People suggest that to the extent the Court finds Defendants  
liable for violations of the UCL and FAL, the parties provide further briefing on remedies.

1 UCL and FAL are cumulative.” (*People v. JTH Tax. Inc.* (2013) 212 Cal.App.4th 1219, 1250.)  
2 To determine the penalty amount, this Court must consider “any one or more of the relevant  
3 circumstances,” including “the nature and seriousness of the misconduct, the number of  
4 violations, the persistence of the misconduct, the length of time over which the misconduct  
5 occurred, the willfulness of the defendant’s misconduct, and the defendant’s assets, liabilities, and  
6 net worth.” (Bus. & Prof. Code, §§ 17206, subd. (b), 17536, subd. (b).) Civil penalties are  
7 “necessary to deter fraudulent business practices.” (*People v. Bestline Prods., Inc.* (1976) 61  
8 Cal.App.3d 879, 924.) Each factor supports that the maximum penalty under both the UCL and  
9 the FAL is warranted.

10 **I. NUMBER OF VIOLATIONS**

11 “[W]hat constitutes a violation of the UCL or the FAL depends on the circumstances of the  
12 case, including the type of violations, the number of victims, and the repetition of the conduct  
13 constituting the violation.” (*People ex rel. Harris v. Sarpas* (2014) 225 Cal.App.4th 1539, 1566.)  
14 “[I]ndividualized proof of each and every UCL and FAL violation is not required”; the People  
15 need only provide evidence from the Court can make a “reasonable inference” about the number  
16 of violations.

17 **RealOptions:** Between November 2019 and November 2025, 64 individuals visited RO  
18 for APR treatment and were subject to false and/or misleading statements on both RO’s website  
19 and separately when reviewing RO’s consent forms that misleadingly present the side effects  
20 risks from APR, which each constitute a violation. (See *People v. Johnson & Johnson* (2022) 77  
21 Cal.App.5th 295, 355 [appropriate to use number of communications “that contained a false or  
22 misleading statement” as number of violations].) Accordingly, RO committed at least 128  
23 violations of the UCL and 128 violations of the FAL.

24 **Heartbeat:** Between 2019 and September 30, 2024, 1,647 individuals contacted HBI for  
25 APR, which means those individuals were subject to false and/or misleading statements on both  
26 HBI’s website and HBI’s hotline, which each constituted a violation. (*Ibid.*) Between September  
27 30, 2024 and August 25, 2025, an additional 271 individuals started APR through HBI, which  
28 means those individuals likewise were subject to false and/or misleading statements on both

1 HBI’s website and HBI’s hotline. (*Ibid.*) Of the individuals who started APR during that period,  
2 45 individuals had taken both mifepristone and misoprostol, which means those individuals were  
3 subject to the additional false and/or misleading statements in HBI’s consent forms. HBI also has  
4 in California 29 “Pregnancy Help Centers” (PHCs) that provide APR; 42 medical providers who  
5 provide APR; and 20 PHCs that provide related medical care to APR patients. Each of those  
6 entities likely received HBI’s APR Provider Training Kit, which contains false and/or misleading  
7 statements to support those individuals and entities in turn advertising APR. Accordingly, HBI  
8 has committed at least 3,972 violations of the UCL and 3,972 violations of the FAL.

## 9 **II. REMAINING FACTORS**

10 The remaining factors support the Court imposing a penalty at or near the maximum under  
11 the UCL and the FAL for Defendants’ violations.

12 **Nature and Seriousness of the Misconduct:** Defendants used false and/or misleading  
13 statements to advertise a medical treatment to vulnerable individuals in a period of significant  
14 emotional turmoil. That Defendants provided hope to these individuals only underscores the  
15 seriousness of their misconduct—their false and/or misleading statements persuaded individuals  
16 to undergo a medical treatment that has not been established as effective, let alone absent from  
17 serious side effects like potential severe bleeding. Such conduct warrants imposition of penalties  
18 at or near the maximum. (See *Johnson & Johnson, supra*, 77 Cal.App.5th at p. 357  
19 [communications made “for the purpose of marketing and/or providing information” about  
20 products that “misrepresented the safety and risks associated with” those products warranted  
21 penalty of at least half the maximum].)

22 **Persistence, Willfulness, and Length of Time of the Misconduct:** HBI has been using  
23 false and/or misleading statements in its APR advertisements since its acquisition of the APRN in  
24 April 2018. It has continued to use those false and/or misleading statements in its advertisements  
25 despite its knowledge that three federal district courts had determined that statements nearly  
26 identical to HBI’s were false and/or misleading. Indeed, HBI intervened in one of those federal  
27 district court cases, *American Medical Association v. Stenehjem* (D.N.D. 2019) 412 F.Supp.3d  
28 1134. Dr. George Delgado—who has been a member of HBI’s APRN Medical Advisory

1 Committee since HBI acquired the APRN in 2018—has testified that case series, like the APR  
2 studies he has conducted, cannot prove causation. (See *Planned Parenthood of Tenn. & N. Miss.*  
3 *v. Slatery* (M.D. Tenn. 2021) 523 F.Supp.3d 985, 993-94; *All-Options, Inc. v. Att’y Gen. of*  
4 *Indiana* (S.D. Ind. 2021) 546 F.Supp.3d 754, 766.) And yet, HBI has continued to use the false  
5 and/or misleading statements.

6 For its part, RO has been using false and/or misleading statements in its APR  
7 advertisements since at least 2016. And Dr. Mary Davenport—RO’s medical director since  
8 2021—was a co-author of Dr. Delgado’s APR-related case series and therefore knows that the  
9 medical evidence does not support RO’s statements.

10 Defendants’ persistence and willfulness in their misconduct despite their knowledge that  
11 their APR advertisements contained false and/or misleading statements warrants a significant  
12 penalty to effectively deter them from future misconduct. (*Bestline, supra*, 61 Cal.App.3d at p.  
13 924 [“civil penalties” are a “deterrent...deemed necessary to deter fraudulent business  
14 practices”].)

15 **Defendants’ Assets, Liabilities, and Net Worth:** Defendants’ non-profit status supports a  
16 maximum penalty at or near the maximum, especially because both Defendants have raised  
17 millions in revenue over the past five years. For example, between 2019 and 2023, HBI received  
18 approximately \$33,777,926 in revenue. Between 2020 and 2024, RealOptions received  
19 approximately \$19,602,219 in revenue.

#### 20 **ISSUES TO BE DISCUSSED AT PRETRIAL CONFERENCE**

21 Based on the June 10, 2026 case management conference, the People expect the following  
22 issues to be discussed at the pretrial conference: 1) logistics regarding requests by the respective  
23 parties to seal particular records; 2) objections to deposition designations; 3) amount of time for  
24 presentation of evidence; and 4) results of the parties’ meet and confer efforts regarding exhibits.

1 Dated: June 10, 2026

Respectfully submitted,

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**DECLARATION OF SERVICE BY E-MAIL**

**Case Name:** People v. Heartbeat Int'l, Inc., et al.  
**Case Number:** 23CV044940  
**Party Represented:** People of the State of California

**Declaration of Electronic Service**

1. I am at least 18 years of age and not a party to this matter.
2. I am employed in the Office of the Attorney General of the State of California. My business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230, County of Los Angeles.
3. My electronic service address is Cheryll.Tran@doj.ca.gov.
4. On June 10, 2026, I electronically served the following document[s]:

**The People’s Trial Brief**

I electronically served the aforementioned document[s] by emailing them to the following individual[s]:

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I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on June 10, 2026.

Cheryll Tran  
\_\_\_\_\_  
Declarant

/s/ Cheryll Tran  
\_\_\_\_\_  
Signature