

MOTOROLA, INC.)
1303 E. Algonquin Road)
Schaumburg, IL 60196)

and)

APPLE, INC.)
One Apple Park Way)
Cupertino, CA 95014)

and)

GOOGLE LLC)
1600 Amphitheatre Parkway)
Mountain View, CA 94043)

and)

SAMSUNG ELECTRONICS)
AMERICA, INC. f/k/a SAMSUNG)
TELECOMMUNICATIONS)
AMERICA, LLC)
85 Challenger Road)
Ridgefield Park, NJ 07660)

and)

AT&T MOBILITY LLC a/k/a AT&T)
WIRELESS SERVICES, INC. f/k/a)
CINGULAR WIRELESS, LLC. a/k/a)
COMCAST CELLULAR COMMUNICATIONS,)
INC. a/k/a CELLULAR ONE, LLC)
1025 Lenox Park Boulevard N.E.)
Atlanta, GA 30319)

and)

CELLCO PARTNERSHIP d/b/a)
VERIZON WIRELESS)
1 Verizon Way)
Basking Ridge, NJ 07920)

and)

COMPLAINT

Plaintiff, Tod Kerry Simpson, by and through his attorneys, files this Complaint against Defendants, Microsoft Mobile, Inc. f/k/a Nokia, Inc. f/k/a Nokia Mobile Phones, Inc.; HP, Inc.; TCL Communication, Inc; Motorola Mobility, LLC; Motorola Solutions, Inc. f/k/a Motorola, Inc.; Motorola, Inc.; Apple, Inc; Google LLC; Samsung Electronics America, Inc. f/k/a Samsung Telecommunications America, LLC; AT&T Mobility LLC a/k/a AT&T Wireless Services, Inc. f/k/a Cingular Wireless, LLC. a/k/a Comcast Cellular Communications, Inc. a/k/a Cellular One, LLC; Cellco Partnership d/b/a Verizon Wireless; Cellular Telecommunications and Internet Association f/k/a Cellular Telecommunications Industry Association a/k/a CTIA, Inc. a/k/a CTIA-The Wireless Association; Telecommunications Industry Association a/k/a TIA; ABC Corporation; and John Doe, (hereinafter collectively referred to as “Defendants”), and in support state as follows:

JURISDICTION AND PARTIES

1. The Court has personal jurisdiction over these Defendants pursuant to the District of Columbia’s Long-Arm Statute, D.C. Code § 13-423(a)(4), as Defendants caused tortious injury within the District of Columbia towards Tod Kerry Simpson and Defendants regularly do or solicit business, engage in other persistent course of conduct, or derive substantial revenue from goods used or consumed in the District of Columbia.

2. Plaintiff, Tod Kerry Simpson (hereinafter referred to as “Tod Simpson,” “Mr. Simpson,” “Simpson” or “Plaintiff”), resides at 8901-102 Autumn Wind Drive, Raleigh, NC 27615.

3. At all times relevant to this Complaint, Defendant, Microsoft Mobile, Inc. (hereinafter referred to as “Microsoft”) is a corporation organized and existing under the laws of the State of Delaware, and having a principal place of business at 1 Microsoft Way, Redmond,

Washington 98052. Microsoft can be served through its agent for service at Corporation Service Company, 1090 Vermont Avenue, N.W., Washington, D.C. 20005.

4. At all times relevant to this Complaint, Defendant, HP, Inc. (hereinafter referred to as “HP”), is a corporation organized and existing under the laws of the State of Delaware, that can be served at The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801. At all times relevant herein, HP, through its agents, distributors, servants and/or employees, engaged in the manufacturing business of electromagnetic equipment, in particular, cell phones, and transacting business in Plaintiffs’ home state, as well as throughout the United States, including the District of Columbia, among other places.

5. At all times relevant to this Complaint, Defendant TCL Communication, Inc. (hereinafter referred to as “TCL”), is a corporation organized and existing under the laws of the State of Delaware, with its United States business headquarters at 25 Edelman, Suite 200, Irvine, California 92610 and can be served at Corporation Service Company, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833. At all times relevant herein, TCL, through its agents, distributors, servants and/or employees, engaged in the manufacturing business of electromagnetic equipment, in particular, cell phones, and transacting business in Plaintiffs’ home state, as well as throughout the United States, including the District of Columbia, among other places.

6. At all times relevant to this Complaint, Defendant, Motorola Mobility, LLC (hereinafter referred to as “Motorola Mobility” or collectively referred to as “Motorola” with Defendants Motorola Solutions, Inc. and Motorola, Inc.), is a limited liability company organized and existing under the laws of the State of Delaware, and has been authorized to do business under the laws of the District of Columbia, having its principal place of business in the State of Illinois, at 600 North U.S. Highway 45, Libertyville, Illinois 60048. At all times relevant herein, Motorola Mobility, through its agents, distributors, servants and/or employees, engaged in the manufacturing

business of electromagnetic equipment, in particular, cell phones, and transacting business in Plaintiff's home state, as well as throughout the United States, including the District of Columbia, among other places.

7. At all times relevant to this Complaint, Defendant, Motorola Solutions, Inc. (hereinafter referred to as "Motorola Solutions" or collectively referred to as "Motorola" with Defendants Motorola Mobility and Motorola, Inc.) f/k/a Motorola, Inc., is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business in the State of Illinois, at 1303 East Algonquin Road, Schaumburg, Illinois 60196. At all times relevant herein, Motorola Solutions, through its agents, distributors, servants and/or employees, engaged in the manufacturing business of electromagnetic equipment, in particular, cell phones, and transacting business in Plaintiff's home state, as well as throughout the United States, including the District of Columbia, among other places.

8. At all times relevant to this Complaint, Defendant, Motorola, Inc. (hereinafter referred to as "Motorola" or collectively referred to as "Motorola" with Defendants Motorola Mobility and Motorola Solutions), is a corporation organized and existing under the laws of the State of Delaware, and has been authorized to do business under the laws of the District of Columbia, having its principal place of business in the State of Illinois at 1301 E. Algonquin Road, Schaumburg, Illinois 60196. At all times relevant herein, Motorola, through its agents, distributors, servants and/or employees engaged in the manufacturing business of electromagnetic equipment, in particular, cell phones, and transacting business in Plaintiff's home state, as well as throughout the United States, including the District of Columbia, among other places.

9. At all times relevant to this Complaint, Defendant, Apple, Inc. (hereinafter referred to as "Apple"), is a corporation and existing under the laws of the State of California, having its principal place of business at 1 Infinite Loop, Cupertino, California 95014. At all times relevant

herein, Apple, through its agents, distributors, servants and/or employees engaged in the manufacturing business of electromagnetic equipment, in particular cell phones, and transacting business in Plaintiffs' home state, as well as throughout the United States, including the District of Columbia, among other places.

10. At all times relevant to this Complaint, Defendant, Samsung Electronics America, Inc. (hereinafter referred to as "Samsung"), successor to Samsung Telecommunications America, LLC, is a corporation organized and existing under the laws of the State of New York, that can be served at CT Corporation System 111 8th Avenue, Suite 13, New York, New York 10011, and having its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. At all times relevant herein, Samsung, through its agents, distributors, servants and/or employees engaged in the manufacturing business of electromagnetic equipment, in particular cell phones, and transacting business in Plaintiff's home state, as well as throughout the United States, including the District of Columbia, among other places.

11. At all times relevant to this Complaint, Defendant Google LLC (hereinafter referred to as "Google"), is a corporation organized and existing under the laws of the District of Columbia, that can be served at Corporation Service Company, 1090 Vermont Avenue, N.W., Washington, D.C. 20005. At all times relevant herein, Google, through its agents, distributors, servants and/or employees, engaged in the manufacturing business of electromagnetic equipment, in particular, cell phones, and transacting business in Plaintiffs' home state, as well as throughout the United States, including the District of Columbia, among other places.

12. At all times relevant to this Complaint, Defendant, AT&T Mobility, LLC (hereinafter referred to as "AT&T Mobility"), is the surviving business entity of Southwestern Bell Mobile Systems, Inc., Southwestern Bell Mobile Systems LLC, Cingular Wireless, LLC a/k/a Cingular Wireless f/k/a Comcast Cellular Communications Inc. a/k/a Comcast Cellular

One a/k/a Cellular One, is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at 1025 Lenox Park Boulevard N.E., Atlanta, Georgia 30319. At all times relevant herein, AT&T Mobility, through its agents, distributors, servants and/or employees, engaged in the sale and/or promotion of cell phones, cellular telephone equipment and transmission services in Plaintiff's home state, as well as throughout the United States, including the District of Columbia, among other places.

13. At all times relevant to this Complaint, Defendant, Cellco Partnership (hereinafter referred to as "Cellco") d/b/a Verizon Wireless successor to PrimeCo Communications, is a general partnership organized and existing under the laws of the State of Delaware, and has been authorized to do business under the laws of the District of Columbia, having its principal place of business at 1 Verizon Way, Basking Ridge, New Jersey 07920. At all times relevant herein, Cellco, through its agents, distributors, servants and/or employees engaged in the sale and/or promotion of cell phones, cellular telephone equipment and transmission services in the Plaintiff's home state, as well as throughout the United States, including the District of Columbia, among other places. CTIA can be served through its agent for service of process at CT Corporation System, 1015 15th Street, N.W., Suite 1000, Washington, D.C. 20005.

14. At all times relevant to this Complaint, Defendant, Cellular Telecommunications and Internet Association f/k/a Cellular Telecommunications Industry Association a/k/a CTIA, Inc. a/k/a CTIA-The Wireless Association (hereinafter referred to as "CTIA"), is the trade association existing under laws of the District of Columbia, having its principal place of business at 1400 16th Street, N.W., Suite 600, Washington, D.C., 20036. At all times relevant to this Complaint, CTIA has conducted its business, through its agents, servants and/or employees, and engaged in advocating on behalf of Defendant cell phone manufacturers and service providers in connection with the establishment and/or implementation and development of safety standards of cell phones,

researching safe and proper use of cell phones, and promoting, marketing, coordinating and making representations on behalf of all Defendants regarding the safety and proper usage of cell phones to the public.

15. At all times relevant to this Complaint, Defendant, Telecommunications Industry Association a/k/a TIA (hereinafter referred to as “TIA”), is the trade association existing under the laws of the State of Illinois, having its principal place of business at 1320 North Courthouse Road, #200, Arlington, Virginia 22201. At all times relevant to this Complaint, TIA has conducted its business, through its agents, servants, and/or employees, and engaged in advocating on behalf of Defendant cell phone manufacturers and service providers in connection with the establishment and/or implementation and development of safety standards of cell phones, researching safe and proper usage of cell phones, promoting, marketing, coordinating and making representations on behalf of Defendants regarding the safety and proper usage of cell phones to the public. TIA represents its members’ interests before Congress, the Administration, agencies such as the FCC and the Department of Commerce, international regulators, foreign governments and in many other forums. Both cell phone manufacturers and providers are members of the TIA which, in addition to its individual efforts, has worked collaboratively with CTIA. The association has been particularly active as standards and policies have been formulated to regulate the industry. Since 1988, TIA has advocated numerous policy issues for the benefit of its members.

16. Defendant, ABC Corporation (hereinafter referred to as “ABC”) represents other corporations, partnerships, limited liability companies, and/or other business entities which have or may have had a formal or casual business affiliation or ownership interest with one or more of the named Defendants, as well as, other corporations or business entities, such as, but not limited to, component manufacturers and suppliers, whose identities are at present unknown, that otherwise participated with the named Defendants in the wrongdoing described in this Complaint.

The named Defendants are large complex corporations tiered with a system of complex interlocking corporations, partnerships, distributors, component manufacturers, and other business entities which in many cases operate under many trade names which makes identification difficult without discovery, thereby requiring the necessity of an “ABC” Corporation defendant(s). Once the identity of these other corporations of business entities is established, this Complaint will be amended to name the additional wrongdoers as parties.

17. Defendant, John Doe (hereinafter referred to as “Doe”), represents an individual or individuals whose identities are at present unknown, who otherwise participated with the named Defendants in the wrongdoing described in this Complaint. Once the identity of these other individuals is established, this Complaint will be amended to name the additional wrongdoers as parties.

18. This is a civil action arising out of the manufacture and sale of cellular wireless hand held telephones (hereinafter referred to by his customary name of “cell phones”), the use of cell phones, and injuries resulting therefrom. Hand-held cell phones are not to be confused with cellular telephones and/or other communication devices permanently mounted in automobiles, trucks, and other public and/or private vehicles of all sorts and descriptions. The cell phones at issue in this case are wireless cell phones that have been and are in widespread use throughout the United States and the world which are held up to the user’s ear and against the user’s head. In accordance with the District of Columbia Court of Appeals’ decision dated October 29, 2009 (the Court of Appeals’ Decision) in *Murray vs. Motorola et al.*, 982 A.2d 764 (D.C. 2009), the claims set forth herein are specifically limited to those cell phones manufactured after August 1, 1996, which fail to comply with the specific absorption rate (“SAR”) standard which was adopted by the FCC on August 1, 1996, and/or Defendants’ failure to warn and disclose the safety hazards and

health effects caused by cell phone usage relating and pertaining to cell phones manufactured after August 1, 1996.

19. The amount in controversy exceeds \$25,000, exclusive of interest, costs and attorney fees.

GENERAL ALLEGATIONS

Tod Kerry Simpson's Purchases and Use of Cell Phones

20. In or about 1998, Tod Kerry Simpson purchased and began to use his first cell phone, a Nokia 6110, which he used until approximately 2001.

21. In or about 2001, Mr. Simpson purchased and began using an Nokia 3310 cell phone which he used until approximately 2003.

22. In or about 2003, Mr. Simpson purchased and began using a Palm Treo 755 cell phone which he used until approximately 2007.

23. In or about 2007, Mr. Simpson purchased and began using a Palm Treo 755 cell phone which he used until approximately 2010.

24. In or about 2010, Mr. Simpson purchased and began using a Blackberry Curve cell phone which he used until approximately 2012.

25. In or about 2012, Mr. Simpson purchased and began using a Motorola Droid Maxx cell phone which he used until approximately 2014.

26. In or about 2014, Mr. Simpson purchased and began using a Motorola Droid Turbo cell phone which he used until approximately 2015.

27. In or about 2015, Mr. Simpson purchased and began using a Motorola Droid Turbo2 cell phone which he used until approximately 2016.

28. In or about 2016, Mr. Simpson purchased and began using an Apple iPhone 7 cell phone which he used until approximately 2018.

29. In or about 2016, Mr. Simpson purchased and began using a Google Pixel cell phone which he used until approximately 2017.

30. In or about 2017, Mr. Simpson purchased and began using a Samsung S8 cell phone which he used until approximately 2018.

31. In or about 2018, Mr. Simpson purchased and began using a Samsung S955 cell phone which he used until approximately 2019.

32. In or about 2019, Mr. Simpson purchased and began using a Apple iPhone 8 cell phone.

33. Tod Simpson's purchases and/or phone use included the cell phones, connection to Defendants' cell phone networks and/or other things necessary to allow Mr. Simpson to communicate via his cell phones.

34. Tod Simpson extensively used the cell phones he purchased and/or was provided.

35. Tod Simpson habitually held the aforementioned cell phones in his right hand against his right ear.

36. The cell phones that Tod Simpson used had service provided through AT&T and Verizon.

37. As a result of using the cell phones referenced above, Tod Simpson was exposed to non-ionizing, non-heat effect radio frequency radiation (hereinafter referred to as "RF radiation") that caused adverse health effects to Tod Simpson.

Injuries Sustained by Tod Simpson Caused by Cell Phones

38. Tod Simpson experienced symptoms including tinnitus, hearing loss and loss of balance that led him to seek medical attention.

39. In or about July 2018, Simpson was informed he suffered from a right-sided acoustic neuroma. Upon examination and testing, the doctor also noted nerve impairment.

40. Following his diagnosis, on or about November 5, 2018, a translabryibthine craniotomy was performed to remove the tumor.

41. Thereafter, Simpson suffered from one hundred percent hearing loss in his right ear.

42. As a result of the above-described tumor and surgery to remove the same, Tod Simpson, a successful network engineer, was forced learn to walk again as if for the first time. He had to learn and adjust to working and living differently with the loss of hearing..

43. Tod Simpson must now undergo periodic MRI testing, always anxiously awaiting the results, waiting to learn whether the tumor has returned. A tumor recurrence would require radiation treatment and/or surgery.

44. As a result of the above-described tumor, Simpson has suffered health conditions related to his acoustic neuroma, including, without limitation, severe hearing loss, loss of balance, physical instability, psychological and emotional stress, anxiety and a range of problems associated with oxidative pathology induced by his cell phone, among other injuries. These adverse health effects were a direct result of irradiation of his brain by radio frequency (RF) radiation which was emitted from cell phones to him as a user.

45. In or about August 2019, Tod Simpson came to believe his tumor was the result of exposure to RF radiation emitted from cell phones.

Defendants' Cell Phones Are Dangerous and Pose Significant Health Risks

46. Cellular communication is achieved by transmission of information on air waves back and forth between the cell phone and a nearby cell site. Two modes of transmission are used by cellular systems, analog and digital. The airwaves used for cell phone transmissions are in the

825-845 MHz RF range for analog signaling and in the 1900 MHz range for digital transmissions in the United States. In both cases, these airwaves are modulated with an electromagnetic wave representation of the speech information. This modulation often includes extremely low frequency (“ELF”) components either from the speech itself in the case of analog transmission or from the encoding scheme in the case of digital transmission. The combination in time and space carrier and modulated wave forms is necessary to carry information from a transmission unit to a receiver unit and vice versa. This combined construct is called the “information carrying wave” or ICRW. To prevent interference to and from other users of the cellular system, a control unit at the cell site instructs the cell phones within its range to increase or decrease transmitting power when making and during a call.

47. Cellular telephones were originally installed in automobiles, used external antennas and operated at three watts of power. Users of these vehicle-mounted cellular telephones were insulated from the electric fields, magnetic fields and electromagnetic fields (collectively called RF radiation) generated by this equipment by the shell of the automobile and by distance of the user from the radiating elements.

48. The power density of RF radiation from a cell phone is approximately two billion times greater than occurs naturally in the environment. When the cell phone is used next to the head, the RF radiation penetrates two and one half (2.2) inches or more into the brain and a portion of the brain is enveloped in RF radiation from the front to the back of the skull. This area is called “the near-field plume.”

49. The cellular transmit frequencies are very absorptive and penetrate deep into the tissue where heating effects occur. Medical equipment used for hypothermia/diathermy treatments use nearby frequencies (750 MHz and 915 MHz) because they are ideally suited for delivering heat deep in the brain without causing any skin heating.

50. The thermal effects of RF radiation are well established. These thermal effects are measured by the SAR (specific absorption rate), which represents a value of energy absorption per unit when a human body is exposed to electromagnetic waves. There is no dispute that a temperature of 0.5 degrees Celsius or more in the sensitive brain tissue can cause tissue destruction, inhibition of cell growth and increase in cell membrane permeability, all of which are precursors to cancer.

51. “Hot Spots” are created by the convergence of airwaves by reason of reflection and refraction off of the irregular surface of the human head and attenuation by passage through different layers of skin, fat, bone, among others, much like a magnifying glass can focus the rays of the sun. These hot spots are as much as 200 times higher than the RF radiation level from the cell phone and results in harmful heating of the brain. Use of the cell phone in a vehicle increases the level of RF exposure, and metal-framed eyeglasses, metal implants, orthodontic braces and metallic jewelry worn about the head may modify the radiation absorption also resulting in “hot spots” of high energy concentration in the brain.

52. As has been confirmed by multiple studies, as set forth more particularly herein, cell phones are in fact dangerous and pose significant health risks, especially with prolonged, or with significant use which can cause damage to DNA and ultimately develop into brain tumors and/or cancer.

53. SAR testing of new cell phones was mandated by the FCC on August 1, 1996, and the FCC left it to the manufacturers to design the testing methods and self-certify the results.

54. The FCC limit for public exposure from cell phones is a SAR level of 1.6 watts per kilogram (1.6 W/kg).

55. After the FCC established a maximum SAR level on August 1, 1996, it allowed cell phone manufacturers to self-certify whether their cell phones are within the SAR limits.

Given the wide variance in these values caused by test manipulation and error, many of the cell phones, including those used by Tod Simpson, failed to comply with the post-1996 SAR standards mandated by the FCC.

56. SAR testing is performed on a biological model (called a “phantom”) using a cell phone antenna placed nearby which sends electromagnetic radiation. Measurements are then made of the magnetic fields which are reflected from and absorbed by the phantom.

57. SAR results can be easily manipulated by changing the distance between the antenna and the phantom. For example, when the distance becomes smaller than 3 cm, the reflected signal increases to more than 25 percent, and the probe receiving the magnetic fields for the calculation of the antenna currents results in being measured smaller than the actual value, which leads to a large SAR error.

58. The medium used in the phantom is either semi-liquid or gel material. Over time this medium develops air pockets and becomes contaminated. Such air pockets and contamination serve to reduce the magnetic field reaching the probe and the result is a smaller than actual value and a SAR error.

59. The medium is intended to represent a composite of the cell structures of the skin, fat, bone, cerebro-spinal fluid and dura, among others. However, each of these tissue spots absorbs and reflects RF radiation differently. Furthermore, the non-uniform nature of the head directs and concentrates RF radiation into small areas rather than being distributed uniformly throughout. Defendants are aware that the medium does not accurately reflect the structure of the human head and that an accurate model would show levels of concentrated energy in the brain which are greater than ten times the overall average shown by using the medium.

60. Defendants have been and are well aware of the above problems concerning SAR testing and that they have used these variables to report SAR values which are below actual values and that such actual values exceed the post-1996 SAR limits established by the FCC.

**Defendants Knew of the Health Risks and Dangers of Cell Phones
On the User and Conspired to Suppress and Alter Information Regarding the
Adverse Health Effects, Make Material Misrepresentations,
Conceal and Omit to Disclose Material Facts and Fail to Warn**

61. The cell phone market operates in a classic oligopolistic fashion and almost all cell phones are purchased directly from cell phone companies or through one of their agents. Cellular service and cell phones are sold as a package and in the package, the price of the cell phone is fixed below cost in order to discourage any cell phone manufacturers from trying to sell directly to consumers. Agents are given a rebate to cover the below cost sale of the cell phone. This tying arrangement gives cell phone companies, together with CTIA and TIA, their trade associations, de facto control over the cell phone equipment market and the power to accept or reject cell phones that do not meet their specification. This market power was acknowledged in a July 24, 2001, article in the *San Diego Union Tribune*, where a representative of Motorola is quoted as saying “**cell phones manufacturers compete on style, on brand, on their relationship with wireless operators.**” (Emphasis added). This control over the manufacturing of cell phones is further enforced by CTIA’s testing program that grants the manufacturer the right to place CTIA’s seal of approval on the approved cell phone. Furthermore, the Defendant carriers test cell phones before allowing them to be used on their cellular systems. Thus, at all times herein mentioned, Defendants were in control of the design, assembly, platform for usage, manufacture, marketing and sale of cell phones.

62. Defendants’ testing, both before and after the introduction of cell phones in 1986, revealed that cell phones could not pass the then current SAR safety standards established by

independent and government agencies. Defendants ignored these safety standards on the absurd and baseless ground that “the peculiar nature of the electromagnetic energy” in close proximity to the human head prevented radiation from entering the brain. Although relatively inexpensive design changes could have been made to reduce or eliminate the penetration of RF radiation into the brain of the user, Defendants nevertheless elected to produce the cell phones without addressing the RF radiation problem.

63. Defendants, CTIA and TIA, lead the cell phone industry in establishing purported safety standards while establishing their organizations as the public relations arm to reassure the public regarding the safety of cell phone use. TIA worked with the manufacturers to create and develop the technical standards implemented by the cell phone industry while CTIA was primarily responsible to make public commentary as a result of CTIA’s coordinated efforts with TIA.

64. The development of digital cellular standards was initially the responsibility of TIA, with TIA having the responsibility of developing voluntary industry standards for telecommunications products, including cell phones. Within TIA, more than 1,000 individuals, representatives from cell phone manufacturers, as well as service providers, (including Defendants herein) serve on the formulating groups involved in standards setting. TIA’s website particularly claims that its industry members can directly influence the development of technical standards by participating in TIA’s standards formulating groups.

65. Following the Federal Communications Commission’s (“FCC”) declaration in 1987, that cellular licensees could employ alternative cellular technologies in the 800 MHz band, the cellular industry began to research new transmission technology as an alternative to AMPS (Advanced Mobile Phone Service) that had been the industry standard since 1978.

66. In 1988, CTIA was established to work with the cellular service operators and researchers to identify new technology requirements and set goals. They wanted the new products

and services introduced by 1991, a 1,000 percent increase in system capacity with both AMPS (analog) and digital capabilities during transmission, and new data features such as facsimile and messaging services.

67. In 1991, based on the requirements CTIA had recommended, TIA adopted a new standard which was placed with the creation of the first digital signal in the United States (Time Division Multiple Access - TDMA).

68. CTIA and TIA continued to collaborate with respect to the cellular industry and formed the CTIA Joint Review Committee which was created for the purpose of providing input and oversight to the cellular industry's activities regarding the safety of cell phones, as well as to stay abreast of research regarding related health effects in a single coordinated program.

69. At all times herein mentioned, Defendants were aware of numerous studies and experiments that demonstrated the health hazards of RF radiation dating back to the late 1940s and continue to this day, yet Defendants have maintained to the public at large that cell phones are absolutely safe.

70. Scientific and medical research, published in peer-reviewed literature, has demonstrated a correlation between biological effects and the exposure to RF radiation within the radio frequency band of 300 megahertz to 2.4 gigahertz. However, scientific and medical research published in peer-reviewed literature is not typically read by the general public and cannot be deemed as placing the average consumer on notice.

71. As research and studies, including animal research, evolved over the ensuing decades, it was found that, among other things, adverse biological effects resulted from exposure to varying levels of RF radiation. By the early 1960s, it was believed in the scientific and medical communities that RF radiation is absorbed into human tissue and capable of producing biological effects.

72. Almost all of the research funding concerning RF radiation comes from the wireless industry. In instances where there have been adverse findings, Defendants have worked to prevent funding to replicate that study. This is part of Defendants' larger effort to "create and control the science" and introduce confounders in the way of researchers.

73. In the early 1990s, as credible concerns continued to surface regarding the safety of cell phones, Defendants, individually and through their trade associations, CTIA and TIA, undertook with great public fanfare to fund scientific studies to prove the safety of cell phones. This resulted in the formation of the Science Advisory Group ("SAG") in 1993.

74. With a \$25 million budget, which was later raised to \$28.5 million, contributed by the members of the CTIA and TIA, Dr. George Carlo was appointed by the CTIA and TIA to direct the workings of SAG. When this industry-funded research failed to corroborate the industry's claims of safety and, in fact, presented new evidence of potential health concerns, the industry responded by terminating the research funding and publicly disparaging Dr. Carlo, as well as suppressing and minimizing the results of his studies.

75. Despite their knowledge of the relevant literature and research, including industry-funded studies, Defendants continued to maintain to the public that cell phones pose no threat to human health.

76. For fear that the findings of adverse health effects by use of cell phones might damage market development, Defendants conspired to alter the results of studies to make them more "market friendly," and acted to conceal and suppress information from the public. Researchers who discovered adverse effects associated with cell phone use, lost their funding, were fired, found their reputation damaged, and had their work denigrated. Motorola researchers even concealed from the public the enhancement effects of antennas and the efficiency with which antennas deposit energy into brain tissue.

77. Defendants, acting collectively, reached a common agreement or understanding to market their defective cell phones by:

- (a) marketing, producing and promoting the use of cell phones without proper tests or warnings and without regard to the dangerous radiation fields emitted there from and without disclosing the adverse health effects as a result therefrom to Simpson and other users;
- (b) suppressing, discouraging and/or retarding appropriate research, testing, regulation and public dissemination of information concerning the radiation fields and the effects those emissions would have on Simpson and other users;
- (c) ignoring, deceiving or misleading the public about medical and scientific data available to them which clearly indicated that RF radiation emitted from cell phones is potentially hazardous to the health and safety of the public and Simpson; and
- (d) suppressing and preventing the development of protective devices and measures which were available and would reduce or eliminate the risk of RF radiation to the cell phone user for reason of cost and potential liability and for not having deployed such features at the outset of cell phone production.

78. Defendants, jointly and in conspiracy with each other, knowingly committed acts in furtherance of their agreement or understanding to promote and market cell phones.

79. The American National Standards institute (“ANSI”) adopted a set of RF radiation thermal exposure levels that determined to be safe for humans. The ANSI standard was initially developed during the 1960s, modified during the early 1980s, and modified again during the early 1990s. In its initial form during the 1960s, the ANSI safety standard known as ANSI C95.1, established a maximum safe exposure level for RF radiation at 10.0m W/cm². The modified standard, ANSI C95. 1-1982, set the maximum level for radio radiation exposure on a sliding scale by dividing the frequency by a multiple of three hundred. At 845 MHz, the safety standard would be 2.8m W/cm²; at 1900 MHz the safety standard would be 6.33m W/cm². In 1985, the FCC adopted the 1982 ANSI standard but excluded cell phones based on data that they would not cause

exposures in excess of the guidelines under normal and routine conditions of use. Cell phones, which were introduced in 1986, could not meet the standard established in 1982.

80. The cell phone industry continued to manipulate the research and pressure members of the ANSI Safety Committee to exempt cell phones from regulation and compliance under the ANSI standards. During a 1989 meeting of the ANSI Committee, held in Tucson, Arizona, the cell phone industry representatives dominated the membership of the standard setting committee. After a heated discussion and debate over the exclusion clause it was decided upon a vote by the committee that cell phones would not be excluded from regulation or compliance under the ANSI Safety Standard. A short time after the meeting, at another quietly held committee meeting attended by a select, smaller group of members, the exclusion clause passed, and as a result, cell phones would be excluded from any testing, compliance or monitoring by any safety standard, government agency or regulatory body.

81. In 1992, the ANSI standard was revised to include, for the first time, specific restrictions on time currents induced in the human body by RF radiation fields. Cell phones were again excluded provided that they comply with certain SAR limits. On August 1, 1996, the FCC adopted the 1992 ANSI guidelines. However, inasmuch as Defendants could simply self-certify that their product complied with the SAR standard, the results could be easily manipulated and thus the cell phones operated in excess of the 1996 SAR standard.

82. On February 11, 1993, the TIA Ad Hoc Labeling Committee, in cooperation with the SAG, was established to review the product labeling information which was being provided to consumers and in order to develop consistent, uniform product labeling information. As part of this Ad Hoc Committee to draft a manual to discuss “responsible cell phone use,” TIA was responsible for printing for public distribution as a stand-alone educational brochure to provide information about cell phones called “Guidelines for Safe and Efficient Use of Hand-Held Portable

Cellular Telephones” to address a number of concerns raised by the FDA in various conversations with members of the cell phone industry. The document was prepared to be recommended to manufacturers to incorporate into their official product documentation, as well as service providers that chose to provide information to subscribers. It was also intended to form the basis for any consumer education programs about cell phones that the manufacturers chose to initiate.

83. In or about early 1994, after receiving a draft of the TIA Ad Hoc Committee’s manual, Thomas Wheeler, president of CTIA, sent out a memorandum expressing his concerns over certain language used in the manual which acknowledged and/or implied that the use of cell phones could pose health risks. An example of such substantive changes follows, with Mr. Wheeler’s suggested deletions put forth in bold and italic typeface:

Do not operate your transportable cellular telephone when holding the antenna, or when any person is within 4 inches (10 centimeters) of the antenna. ***Otherwise you may impair call quality, may cause your phone to operate at a higher power level than is necessary, and may expose that person to RF energy in excess of the levels established by the updated ANSI Standard.***

If you want to limit RF exposure even further, you may choose to control the duration of your calls or maintain a distance from the antenna of more than 4 inches (10 centimeters).

For best call quality, keep the antenna free from obstructions and point it straight up.

84. While it failed to address the health concerns raised by others regarding wireless communications instruments, in November 1994, the SAG endorsed TIA’s efforts to develop a manual. SAG recommended that CTIA explore the possibility of incorporating the FDA’s talk paper “Update on Cellular Phones” in the package insert to complement the usage guidelines. The SAG further recommended that the industry develop an independent structure through which cell phone manufacturers, who do not already do so, have their products tested to assure they meet current safety standards.

85. On July 16, 1993, in furtherance of its campaign to assure the consuming public of the purported safety of cell phones, the CTIA held a press conference and issued a report entitled “Safety Update – Fast Facts: Portable Cell Phone Safety,” which in bold print stated: **“Rest assured. Cellular telephones are safe!”**

86. On July 19, 1993, Elizabeth Jacobson, Deputy Director for Science at the Center for Devices and Radiological Health, Food, and Drug Administration, sent a correspondence to CTIA president Thomas Wheeler, which clearly identified certain fraudulent and deceitful statements made by Defendants to the public regarding the “safety” of cell phones. In pertinent part, this letter states:

I am writing to let you know that we were concerned about two important aspects of your press conference on July 16 concerning the safety of cellular phones, and to ask that you carefully consider the following comments when you make future statements to the press.

First, both the written press statements and your verbal comments during the conference seemed to display an unwarranted confidence that these products will be found to be absolutely safe. In fact, the unremittingly upbeat tone of the press packet strongly implies that there can be no hazard, leading the reader to wonder why any further research would be needed at all. (Some readers might also wonder how impartial the research can be when its stated goal is “a determination to reassure consumers.” And when the research sponsors predict in advance that “we expect the new research to reach the same conclusions, that the cellular phones are safe.”)...

We are even more concerned that your press statements did not accurately characterize the relationship between CTIA and the FDA... Since it is not yet clear whether we will help to direct, the research program, it is premature to state that we will credential the research.

To sum up, Mr. Wheeler, our role as a public health agency is to protect health and safety, not to “reassure consumers.” I think it is very important that the public understand where we stand in evaluating the possibility that cellular phones might pose a health risk.

87. In June 1994, Dr. Henry Lai of the University of Washington contacted Dr. Carlo at a Bioelectromagnetics Society conference in Copenhagen, Denmark. Dr. Lai wanted to show important data to SAG. Dr. Lai and his colleague, Dr. Narendra Singh, had conducted a series of experiments on rats that had been exposed to radiation similar to the type of radiation that comes from the antenna of a cellular phone. According to Dr. Lai, these tests showed that cell phone radiation causes damage to DNA. The representatives of the meeting from Motorola, Chuck Eger and Dr. Quirino Balsano, questioned the testing protocols as well as the tests' relevancy to humans, along with dismissing and discrediting the research and results. The CTIA and remaining Defendants failed to disclose to the public or to the government's Interagency Working Group on cell phone safety headed by the FDA that included the Environmental Protection Agency, the National Institute of Health, the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, the White House and the National Institute for Environmental Health Sciences anything about the alarming Lai and Singh data. Instead, the CTIA responded to this study by attempting to prevent its publication and hiring a public relations firm to discredit the findings with respect thereto. Defendants then funded other researchers in an effort to disprove the findings. However, when Defendants' research confirmed Dr. Lai's and Dr. Singh's findings (that RF radiation could damage DNA) Defendants' research was not published.

88. A researcher by the name of Dr. Jerry L. Phillips essentially replicated the DNA damage studies of Lai and Singh and reached the same conclusions, i.e., exposure to low levels of RF radiation causes DNA damage which can develop into cancer. However, Defendants willfully and wantonly attempted to suppress information from Tod Simpson and the public by making illegal threats and illegal acts of intimidation upon Dr. Phillips. After completion of his research, Dr. Phillips expressed his desire to publish such research. Initially, Motorola told Dr. Phillips that

it was too early to publish his results and that he needed to do more research. When Dr. Phillips refused to “spin” his research, as demanded by Motorola, Motorola cut Dr. Phillips’ funding. Additionally, Motorola threatened to discredit Dr. Phillips in the scientific community, as well as to ruin his career.

89. A 1994 Canadian study of electric utilities workers showed a statistically significant increase in lung cancer in those workers who had jobs that put them in proximity with mobile radio communications equipment and with possible exposure to radiation from the equipment. The risk was as much as 3.11 times higher than for those workers not exposed.

90. Three studies conducted in 1996 were relevant to the cell phone industry and the disclosures the industry should have made to the public. First, a study of Air Force personnel exposed to RF radiation in their jobs revealed an increased risk of developing brain tumors. This risk was 1.39 times higher in those exposed to RF radiation as compared to those not exposed. Second, a study of Polish military workers exposed to radio waves in their work revealed a statistically significant increase in brain and blood cancers. The risk of brain cancer was 1.9 times higher and for leukemia and lymphoma, the risk was 6.3 times higher when compared to unexposed workers. Finally, Dr. Ross Adey, funded by Motorola, conducted a research project at the Veteran’s Administration Medical Center. His study was the first to show a biological effect from cellular phone radiation. However, the industry did not amend its public position that cell phone waves were biologically inactive and safe.

91. During the summer of 1996, the relationship between the CTIA, TIA and SAG (now known as the WTR – Wireless Technology Research) became strained. Dr. Carlo had begun to pursue leads and studies that were potentially detrimental to the position asserted by the CTIA and TIA and cellular phone manufacturers and carriers as to the health risks and hazards of cell phones. As a result, the CTIA and TIA began making budgetary cutbacks to the WTR.

92. In early 1998, Dr. Kjell Hansson Mild, from the Swedish National Institute for Working Life, along with colleagues from Norway, reported that as people increased their usage of cellular (analog and digital) phones, they experienced a correspondingly profound increase in the prevalence of headaches, fatigue, and the sensation of warmth around the ear. In both the Swedish and Norwegian data, a statistically significant increase in the prevalence of symptoms was noted that corresponded to an increase in both the number of calls made per day and the total minutes on either type of phone. The authors cited leakage in the blood brain barrier as a possible mechanism causing the symptoms. However, the industry did not amend its public position that cell phone waves were biologically inactive and safe.

93. By the end of December 1998, the industry was faced with the evidence of genetic damage in human blood which was even more difficult to ignore. Drs. Ray Tice and Graham Hook of the Integrated Laboratory Systems in Research Triangle Park, North Carolina had preliminary results from a series of DNA damage studies. Their study demonstrated that radiation from an analog signal yielded a nearly 300 percent increase in genetic damage (micronuclei development) in human blood cells. These results were replicated in January 1999.

94. The correlation between the presence of micronuclei and cancer is so strong that doctors from around the world are using tests for the presence of micronuclei to identify patients who are likely to develop cancer. In fact, after the 1986 nuclear disaster at Chernobyl, Ukraine, experts used the micronuclei testing as a tool for diagnosing cancer risks. However, despite such evidence that cell phone use might cause genetic damage, the industry did not amend its public position that cell phone waves were biologically inactive and safe.

95. Also in 1998, Dr. Joshua Muscat of the American Health Foundation completed a study under WTR contract, of brain cancer patients. The Muscat study reported two findings: (1) that in areas of the skull where radiation plumes from cell phones penetrate, a significant increase

in the risk of tumors appeared evident; and (2) for areas of the brain where cell phone radiation is now known not to penetrate, cell phone usage does not seem to affect the risk of tumor development.

96. In 1998, the WTR also contracted for a study to be conducted on acoustic neuroma, a rare non-cancerous tumor affecting the nerve that controls the hearing. This study also showed a statistically significant dose-response relationship. Finally, in December 1998, the WTR received a summary from Drs. Ken Rothman and Nancy Dreyer of the Epidemiology Resources Inc. that concluded that the rate of brain-cancer deaths was higher among cell phone users, where the antenna was next to their heads, than among car phone users, where the antenna is far away from the user.

97. After leading the cellular industry's research effort regarding the health hazards associated with cell phone use for a period of six years, Dr. Carlo indicated that cell phones may very well pose health risks to its user. In a response similar to that received by Dr. Phillips, the cell phone industry cut Dr. Carlo's funding, attempted to discredit him within the scientific community, and attempted to ruin his career. Defendants willfully and wantonly attempted to suppress Dr. Carlo's findings by illegal threats and illegal acts of intimidation made upon Dr. Carlo, a notable public health scientist, epidemiologist, lawyer, founder of Health Risk Management Group, and the individual appointed by the cell phone industry to study the health hazards associated with cell phone use.

98. Dr. Carlo, widely considered an industry insider, declared without prior approval from or notice to the cell phone industry, that his research established a correlation between cancer and cell phone use. In fact, Dr. Carlo's research indicated that cell phone radiation could triple the number of chromosomal abnormalities in human blood.

99. In February 1999, at the CTIA's "Wireless '99" trade show, Dr. Carlo presented his findings to the cell phone industry. In response to the new information, William Collins, chairman of MetroCall, whose 120 nationwide stores sell pagers and cell phones, put new procedures into effect in his stores. Any customer who walks into a store receives a single-page health and safety bulletin that explains the possible dangers of using a cell phone. The sheet especially warns parents not to expose their children to health risks from cell phone radiation.

100. In response to receiving Dr. Carlo's results in May 1999, the CTIA and the other Defendants complained about the study's procedures and methods. Further, the CTIA began a marketing campaign to discredit the work and abilities of Dr. Carlo, the man chosen by them to spearhead their much-touted studies.

101. On October 8, 1999, Thomas Wheeler personally sent Dr. Carlo a letter outlining the CTIA's position that all test results demonstrate the safety of cell phones.

102. In November 1999, Dr. Carlo released a book titled "Cell Phones, Invisible Hazards in the Wireless Age." In his book, Dr. Carlo describes in detail his time at WTR, the research and methodology used by him, and the impediments and hurdles placed by the cell phone industry to that research.

103. In anticipation of Dr. Carlo's book, the CTIA and Wheeler continued the media campaign against Dr. Carlo. In October 1999, when it became evident that ABC News would air a story about cell phone health risks, the CTIA, through its lawyers, sent a letter to ABC News listing a number of the cell phone industry's concerns. The letter also took the opportunity to attack Dr. Carlo's credibility and question his motives for speaking out about the health risks he had discovered. The letter ended with a request that the segment to be aired on 20/20 be delayed.

104. When ABC News did not delay its 20/20 segment, Wheeler had the opportunity to speak to the public:

Our industry has gone out and aggressively asked the question, “Can we find a problem?” And the answer that has come back is that there is **nothing** that has come up in the research that **suggests** that there is a linkage between the use of a wireless phone and health effects...

ABC News 20/20 October 20, 1999 (Emphasis added). Later in the interview, when asked about the scientific evidence discussed above, Wheeler inexplicably stated that “I have to look at what the responsible scientists say. . . and they say that there is not a public-health effect.”

105. These statements were false and misleading in that by October 20, 1999, the CTIA and Defendants were apprised of all the above studies demonstrating a statistical correlation between cell phone use and adverse health effects.

106. An epidemiological study released in 2000, and conducted by Dr. Lennart Hardell of the Department of Oncology at Orebro Medical Center in Orebro, Sweden, demonstrated that the risk of tumors developing on the same side of the head that cell phone users hold their cell phones is significantly higher than it is for the other side. Despite such findings, the CTIA and the manufacturers still held onto their mantra that cell phone radiation was biologically inactive.

107. On August 1 and 2, 2000, Dr. Joseph Roti of the Washington University in St. Louis, Missouri, presented his findings confirming the prior WTR studies. Using different methods and systems, his research also showed that human blood cells exposed to radiation at wireless phone frequencies did indeed develop genetic mutations, in the form of micronuclei.

108. In the Summer of 2000, CNN’s *Larry King Live* aired a story on cell phones and their health risks, Motorola declined an invitation and instead sent a written statement: “Over the years, scientific expert panels, standard-setting organizations, and other authoritative bodies around the world have not wavered from the longstanding conclusions that the low-power radio signals from wireless phones pose no known health risk.” This statement was false and

misleading because Motorola was at all times privy to the scientific studies and results discussed above.

109. On February 4 and 5, 2002, ABC News (WJLA) aired a story on its I-Team segment regarding its investigation of the safety of cell phones. Robert Kane, formerly a senior research scientist and a member of the technical staff at Motorola, was interviewed for this news story. Mr. Kane stated that, “[t]here are individuals who are employed in the cell phone industry who are lying to us.”

110. On May 17, 2010, CNN’s *Larry King Live* aired a story on cell phones and their health risks. According to story’s transcript, Samsung Electronics, Motorola, Nokia and Sony Ericksson declined an invitation to appear on the program. Instead, it let CTIA speak on its behalf. CTIA provided a statement which read, “All cell phones sold in the United States must comply with the FCC’s radio frequency exposure standards, which are designed to include a substantial margin of safety for consumers. Numerous experts and government health and safety organizations around the world have reviewed the existing data base of studies and on- going research and concluded that RF products meeting established guidelines pose no known health risk.”

111. Numerous patents for cell phone safety devices have been obtained by Defendants, yet never placed into the market place. These safety devices are designed to shield radiation from the head or redirect radiation away from the head. A non-industry patent holder, who has been frozen out of the market, believes that these devices are not implemented due to a fear that a stigma would be attached to the cell phones and that consumers would believe that there is in fact a safety concern with the radiation emitted from them. None of the Defendants have placed their cell phone safety devices on the market and they remain a patented secret by the industry.

112. Defendants' prior knowledge of these solutions included, but was not limited to, the following:

- (a) On October 24, 1991, Hitachi received a patent to reduce the cell phone user's exposure to RF radiation "to prevent the health of the user from being injured."
- (b) On August 11, 1992, Mitsubishi was issued a patent for a cordless telephone designed to "reduce the effect of an electromagnetic wave onto a head of a human body" by coating the handset with shielding material on the side closest to the user's head.
- (c) On December 26, 1995, Motorola filed a patent wherein "a high magnetic permeability/low reluctance material is incorporated into an antenna to limit radiation, where radiation is not desired."
- (d) On February 20, 1996, Alcatel N.V. was granted a patent "for protecting a portion of the human body of a user of the transmitter against the radiation from said internal radiating system."
- (e) On April 9, 1996, a patent issued to Kevin and Norval Luxon for a shield apparatus which utilizes electromagnetic radiation absorbing materials "disposed about the antenna and portable wireless transmitting apparatus and between the user and the antenna and transmitting apparatus to shield or protect the user from the potentially harmful radiation emissions from the wireless communication apparatus." The Motorola patent referred to above lists the Luxon patent as prior art. Plaintiff is informed and believes and thereon alleges that the Luxon invention had been presented to Motorola and discussed with its engineers prior to the grant and publication of that patent.
- (f) On June 4, 1996, Ericsson received a patent for an output power controller to assure "that the average RF-exposure levels from . . . cellular hand-held radio telephones do not exceed a predetermined level."
- (g) On August 13, 1996, Catholic University received a patent for the "protection of living systems from adverse effects of electric, magnetic and electromagnetic fields." The application for the patent states "extensive experimental evidence has shown that exposure to ELF electromagnetic fields can lead to changes in biological cell function. Similar effects have been demonstrated from exposure to modulated microwaves and RF signals. Since ALL (cell phones) transmit modulated microwave or RF signals the potential induction of bio-effects through the use of these devices is evident."

- (h) On September 23, 1997, Motorola filed a patent for an antenna with an absorption electromagnetic shield which results in “little to no radiation directed towards the body of the user.”
- (i) On September 25, 1997, Motorola submitted a patent application wherein “a high magnetic permeability/low reluctance material is incorporated into an antenna to limit radiation, where radiation is not desired.”
- (j) On July 28, 1998, Nokia received a patent for a shielding layer between the antenna and the user to reduce the electromagnetic irradiation of the user. The application says the cell phone antenna is a “few centimeters from the brain, the hearing organs, and the organ of equilibrium. Although a direct heating effect could be left without further consideration, it has been suggested that modulated RF radiation induces changes in the electrical status, i.e., in the ion balance of nerve cells. A continuous localized exposure to radio frequency irradiation has been suggested to weaken myelin sheath of cells and to eventually lead to an impairment of hearing capability, vertigo, etc. It has been suggested that radio frequency irradiation may stimulate extra growth among supportive cells in the nerve system, which in the worst case it has been suggested could [lead] to a development of malignant tumor, e.g. glioma form supportive cells.”
- (k) On December 29, 1998, Nokia received a patent for an accessory RF unit which “decreases radiation directed towards the user’s head.”
- (l) On November 16, 1999, Ericsson received a patent for an antenna switch to prevent cell phones from being used unless the antenna is fully extended. The patent application states that if the antenna is not fully extended “the antenna will be in undesirably close proximity to the user’s head, thereby increasing the user’s specific absorption rate (SAR) of electromagnetic energy emitted from the antenna.”
- (m) On January 25, 2000, Nokia received a patent for a cell phone alarm system so that the user may “reduce to a minimum the SAR value and quantity of radiation directed at his head or body by employing the correct appliance position and situations and by adjusting the transmission time.”
- (n) On February 29, 2000, Centurion International received a patent for an antenna to “tailor the radiation characteristics of the antenna in such a way as to decrease the specific absorption rates (SAR) to the user of the” cell phone. The patent application states “questions have arisen concerning the possibility of harmful effects of electromagnetic energy on the human body inasmuch as handheld radios, cell phones and other portable wireless communication devices do emit electromagnetic energy. Many studies have been conducted to closely examine the effects of electromagnetic energy on the human body to determine a safe level of exposure and how to accurately measure the level. In conjunction with this, there have been some attempts to move the source of electromagnetic energy away from the

body by means of the antenna location or design. For example, see [references].”

- (o) On February 6, 2006, Samsung Electronics received a patent radio frequency identification card whereby, “A radio frequency identification (RFID) reader is provided, having a transmitting circuit that generates a transmitted signal to operate an RFID tag, a receiving circuit that receives a received signal including a tag signal from the RFID tag and a transmission carrier leakage signal leaking from the transmitting circuit, and a leakage removing circuit that senses a phase and amplitude of the transmission carrier leakage signal inputted to the receiving circuit, converts the transmitted signal from the transmitting circuit into a signal having a phase opposite to that of the transmission carrier leakage signal and an amplitude equal to that of the transmission carrier leakage signal, and synthesizes the converted signal and the received signal inputted to the receiving circuit.”

113. Defendants continued to deny the existence of such a debate as to the safety of cell phones. In 2002, Motorola director of global strategic issues Norman Sandler told *Wireless NewsFactor*: “Reports of these [mobile phone radiation shield] patents misrepresented their nature and intent . . . none of these Motorola patents was [sic] motivated by any health-related concerns or issues.” Sandler continued by saying that the patents had to do with making the company’s products more “efficient,” and not with warding off alleged harmful energy. No explanation was given as to why patents for “efficiency” were never used.

114. The United Kingdom’s Department of Trade and Industry (DTI) released a report in May 2002 on mobile phone radiation shields. Four different types of RF radiation shields were tested: shielded cases, earpiece pads and shields, antenna clips and caps and absorbing buttons. The report concluded that the shields can reduce the maximum SAR from the handset, but that they also reduce the effectiveness of the phone.

115. In 2002, Jack Rodger, the owner of Global Certification Laboratories who tested the efficacy of radiation shields for three years, reported that the radiation shields “all do pretty much the same thing” and that, while some of the shields differ slightly, most are blocking about the same amount of energy.

116. In August 2002, a report was issued from Stockholm, Sweden, regarding a study that showed the risk of developing brain tumors from first-generation cell phones (Nordic Mobile Telephone, “NMT”) was as much as 80% greater than those who did not use cell phones. Nokia produced until at least 2005, two models of its cell phone that operates on the NMT standard.

117. In September 2002, the CTIA continued to deny the possible risks that cell phones may pose to human health. In response to the 2002 Swedish study, CTIA spokeswoman Jo-Ann Basile released the following statement:

Public health officials look at all the science when they make their assessments. And the judgment of public health agencies and scientific bodies around the world – as they look at science to date – is that there are no adverse health effects from cell phones.

118. A study conducted in 2002 by an Italian cell biologist, Fiorenzo Marinelli of the National Research Council in Bologna, Italy, found that cell phones may cause tumors to grow more aggressively.

119. In 2002, David de Pomerai, a British molecular toxicologist of the University of Nottingham, found evidence that cell phone radiation may have biological effects without warming tissues. Research conducted by Dariusz Leszczynski at the Radiation and Nuclear Safety Authority in Helsinki has corroborated de Pomerai’s findings.

120. A Swedish study published in January 2003 in the peer-reviewed *Environmental Health Perspectives* (EHP), a journal of the National Institute of Environmental Health Sciences, part of the U.S. Department of Health and Human Services, found that EMFs emitted by certain cell phones damaged neurons in the brains of rats.

121. In October 2004, the Karolinska Institute of Sweden released a study finding that ten or more years of cell phone use increases the risk of developing acoustic neuroma, a benign tumor on the auditory nerve, on the side of the head where the phone was usually held. The risk

of acoustic neuromas has doubled for persons who started to use their cell phone at least 10 years prior to diagnosis. Karolinska Institute is one of Europe's largest medical universities and a committee of the institute appoints the laureates for the Nobel Prize in Physiology or Medicine.

122. A four-year study conducted by Reflex and funded by the European Union, with its findings released in December 2004, examined the effects of radiation from cell phones on animal and human cells in a laboratory. The study found that radio waves from cell phones damage DNA and other cells in the body and that the damage extended to the next generation of cells. Mutated cells are considered a possible cause of cancer. The radiation used in the study was at SAR levels of between 0.3 and 2 W/kg. Most cell phones emit radio signals at SAR levels of between 0.5 and 1 W/kg.

123. The Reflex report recommended that children limit their use of cell phones to emergency situations. Additionally, Franz Adlkofer, who led the Reflex study, advised people to use landlines, rather than cell phones, wherever possible.

124. Recently a number of scientists have confirmed an observation reported by Hungarian and Australian scientists in 2004 and by the Cleveland Clinic. Regularly keeping a cell phone in the pocket produces defects in sperm form and sperm count. Experimental studies have produced similar results, yielding sperm and impeded motility and reduced numbers.

125. Defendants continue to deny that a debate exists over the potential risks and harms posed by cell phones. The Mobile Operators Association ("MOA") was established in January 2003 to represent the five United Kingdom cell phone network operators (3, O2, Orange, T-Mobile and Vodafone) on radio frequency health and planning issues, released the following statement to BBC News on December 21, 2004, in response to the Reflex study results:

Independent scientific review bodies in the UK and around the world have consistently concluded that the weight of scientific evidence to date suggests that exposure to radiowaves from mobile

phone handsets and base stations operating within international guidelines do not cause adverse health effects.

126. In January 2005, the National Radiological Protection Board (“NRPB”), an independent research organization in the UK, announced that parents should not let children under the age of eight use cell phones. Evidence of the potentially harmful effects of cell phone use, the NRPB explained, has become more persuasive over the past five years.

127. In May 2005, a study was published in the *British Medical Journal*, reporting that using a cell phone in rural areas might lead to development of brain tumors. The study found that residents of Swedish rural areas, who had been using a cell phone for more than three years, were over three times as likely to be diagnosed with a brain tumor as those living in Swedish urban areas. The risk of a brain tumor quadrupled for over five years of rural area use and, for malignant brain tumors, the risk was eight times as high for those living in rural areas. Since base stations are further apart in rural areas and require a higher signal intensity to compensate, there is a difference in the power output between cell phones in urban and rural areas.

128. The Spanish Neuro Diagnostic Research Institute recently released a study that found potential problems when children use cell phones. Their studies discovered that a two-minute cell phone call can alter the electrical activity of a child’s brain for up to an hour afterwards. This finding has raised concerns among doctors that disturbed brain activity in children could lead to psychiatric and behavioral problems, impair learning ability and create memory loss.

129. The debate over potential risks of cell phone usage is so cogent that the World Health Organization initiated a decade long multinational research project, called the Interphone study. The Interphone study consisted of 14 individual epidemiological studies focusing on cell phones and brain tumors. Participating countries included Australia, Canada, Denmark, Finland, France, Germany, Israel, Italy, Japan, New Zealand, Norway, Sweden, and the United Kingdom.

The study found that the use of cell phones for a period of 10 years or more can increase the risk of glioblastomas by 40% in adults. The study further indicated that tumors are most likely to occur on the side of the head most used for calling.

130. A 2007 study published in the *Journal of Occupational and Environmental Medicine* found a consistent pattern of increased risk for acoustic neuroma and glioma when regular cell phone use lasted longer than 10 years.

131. A 2007 study in the *International Journal of Epidemiology* found a correlation between parotid gland tumors and heavy cell phone use.

132. In 2009, the *Journal of Clinical Oncology* released a meta-analysis study that found evidence linking cell phone use to tumors. This study analyzed 465 scholarly studies that had conducted experiments concerning cell phone radiation and cancer. After combining all of the data from these studies, the meta-analysis found a significant positive association between cell phone use and cancer. The meta-analysis also found the association increased with long term cell phone use.

133. Professor Lennart Hardell of Sweden, has found that those who started to use cell phones heavily before age 20 have four to six times more brain tumors by the time they reach their 30s.

134. The United States Senate subcommittee on Labor, Health and Human Services, and Education Committee on Appropriations held a hearing on September 14, 2009, to discuss the issue of cell phones and health. Dr. Siegal Sadetzki, the principal investigator for the Israeli part of the Interphone Study, discussed the country specific results from Israel, which were published in the *American Journal of Epidemiology*. The studies showed consistent elevated risks in complementary analyses restricted conditions that may yield higher levels of exposure. An elevated risk of salivary gland tumors was seen among people who used cell phones for more than

10 years, especially when the phone was usually held on the same side of the head where the tumor was found, and when use was relatively heavy. These studies found a higher risk with greater exposure (as expressed by laterality of use, more frequent use, and longer duration of use), are consistent with basic public health research criteria for what is referred to as a dose response relationship – the greater the dose or use of cell phones in the study (or exposure), the greater the response (i.e., the risk of developing a tumor).

135. Dr. Sadetzki also noted that studies thus far have been limited primarily to adults. While at the time cell phones first entered the market, use was principally limited to adults – since the beginning of the 21st century, increasing numbers of children have become users and even owners of cell phones. As emphasized by Dr. Sadetzki:

This population requires special attention since children have been found to be more susceptible to developing cancer following exposures to known carcinogens. Furthermore, the brain of a child is not just a smaller version of that of an adult and the radiation absorption in their head is different than adults. The observation of greater susceptibility at younger ages has been consistently shown in numerous studies and for a variety of known carcinogens. In our research as well, on the effects of ionizing radiation used to treat children with tinea capitis, the risk for malignant brain tumors 40 years after treatment was inversely related to age at time of irradiation. Children irradiated under 5 years of age exhibited a risk that was 4.5 times higher than that of children who had not undergone irradiation, while those irradiated at ages 10-15 had a risk that was 1.5 times higher than the non exposed.

136. Dr. Sadetzki warns that, given the great number of users, together with the increasing amount of use, even if the risks are small, these risks could eventually result in considerable damage. Given these risks – and the simple and low cost measures that can be taken to minimize RF radiation exposure from cell phones, such as using speakers and earphones, reducing the use of cell phones in areas where reception is weak, and limiting cell phone use by

children – it is perplexing that for years Defendants refused to disclose these risks and simple mitigation methods to the consuming public.

137. Dr. Sadetzki also noted that in addition to cancer, cell phone use could have other medical impacts, such as influence on brain activity, behavioral changes, learning patterns, emotional well-being, immunological pathways, and fertility, which have yet to be completely studied.

138. The Environmental Working Group recommends a number of simple actions consumers can take to reduce exposures to cell phone radiation, including using a headset or speakers, holding the cell phone away from the body when talking, avoiding holding the phone against the ear, in a pocket, or on the belt where soft body tissues may absorb radiation, staying off of the phone where the signal is poor, and limiting children’s use of cell phones.

139. The CTIA’s website has a separate “For the Consumer” area on its website. In the sub-area discussing health issues, the CTIA’s website in 2002 stated:

After a substantial amount of research, scientists and governments around the world continue to reaffirm that there is no public health threat from the use of wireless phones.’ stated Tom Wheeler, President and CEO of the Cellular Telecommunications Industry Association (CTIA).

140. The statement that there is “no public health threat from the use of wireless phones” was modified on the CTIA’s website in 2005 to read: “To date, the available scientific evidence does not show that any health problems are associated with using wireless phones.”

141. The CTIA claims that the industry is subject to strict guidelines regarding safety. In 2005, the CTIA website stated: “Wireless products are required to adhere to strict emissions guidelines, which are themselves developed under a thorough and rigorous review process. The United States, the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and Canada have recently reviewed their guidelines and declared that they continue to protect the

public.” However, as discussed elsewhere, the only regulation is the FCC’s maximum SAR levels that a cell phone can emit, and guidelines for measuring SAR – which Defendants measure and certify to the FCC. These guidelines are not meant to certify that the cell phones are actually “safe”, but rather, they are meant to certify that the SAR levels do not exceed a certain amount. In response to frequently asked questions, the CTIA website in 2005 stated:

What SAR level should I look for when buying a wireless phone?

There are many features to consider when buying a wireless phone: style, size, functionality and price. The SAR is provided for consumers who may also be interested in RF exposure levels. It is important to remember, however, that all wireless phones marketed in the United States must meet the safety limit of 1.6 W/kg (watts per kilogram) set by the FCC and **do not pose a health risk to users**. The guidelines that set the safety limit incorporate a substantial margin of safety to give additional protection to wireless phone users.

What is CTIA’s requirement that will tell me about the radio wave levels of my phone?

Beginning in early 2001, consumers will receive information about a phone’s radio wave levels or Specific Absorption Rates (SAR) in the informational materials or user manual included with phones certified by CTIA after August 1, 2000. This information will provide the SAR level for the phone, let consumers know that their phone model has been tested **and meets strict, science-based federal guidelines** and describe and put SAR into context for the consumer. Because CTIA’s certification program is voluntary not all phones will include this information . . . On the outside of the box will be information stating that the phone meets FCC RF emissions guidelines, the phone’s FCC ID number (used for searching on the FCC website) and the FCC website where more information on the phone’s SAR can be found.

What is the CTIA certification program?

The CTIA certification program is a separate, voluntary testing program unrelated to the FCC’s product certification process. The CTIA certification program is designed to make sure that mobile 26 phones perform according to industry standards. CTIA certified

phones have passed CTIA's stringent evaluation program by meeting or exceeding the industry's expectation for performance.

(Emphasis added).

The CTIA has since modified their consumer information page to read:

To date, the available scientific evidence does not show that any health problems are associated with using wireless phones. Many studies of low-level RF exposure, such as that which occurs with wireless devices, have not discovered any negative biological effects. **Some studies have suggested such a connection, but their findings have not been replicated or supported in additional research.**

Scientists and the federal government have been studying the biological effects of RF for years and have thus established guidelines that restrict RF levels to a safe and usable level for technologies the general public uses in their everyday lives.

All wireless devices must adhere to strict emissions guidelines in the United States, which have been developed under a thorough and rigorous review process. All wireless base station antennas and phones must meet the science-based, RF emission guidelines of the Federal Communications Commission (FCC), which has established very conservative limits to ensure that the health of all citizens is protected. The FCC maintains a database that provides the SAR value for cellular phones sold in the United States.

(Emphasis added).

142. There are shortcomings of the testing protocols used by the CTIA-funded researchers. These shortcomings include discrepancies between how different technicians set up the test, mist the tissue fluid, calibrate the measurement instruments, as well as differences in the properties of the mixtures used to simulate human tissue and the type of head model used. Such variations can lead to variations in the test results.

143. Again, the CTIA fails to explain that the SAR levels are not tested by the FCC, but instead are self-tested and self-certified as compliant by Defendants to the FCC. Furthermore, results can be off by as much as 60 percent. Therefore, the CTIA's statement that there are "strict emissions guidelines" and a "rigorous review process" for testing SAR levels in cell phones are false and misleading.

144. Different models of the human head used in SAR testing produce varying SAR level results compared to each other as well as between the adult and children head models. The testing is not an exact gauge of the SAR levels for a human head. Moreover, as discussed in the United States Government Accountability Office (GAO) Report, the FCC has stressed that they are not a public health agency and do not have any expertise in the area of cell phone safety. This has not stopped Motorola from claiming that "differences in SAR within accepted limits have no health implications."

145. Most recently, the President and CEO of the CTIA, Steve Largent, stated in response to the September 14, 2009, U.S. Senate Subcommittee on Appropriations for the Departments of Labor, Health and Human Services, Education, and Related Agencies Hearing on "The Health Effects of Cell Phone Use:"

When it comes to the facts about cell phones and health-related effects, the industry relies on the conclusions of impartial groups such as the U/S/ Food and Drug Administration (FDA), the World Health Organization (WHO), the American Cancer Society, and the National Institute of Health, which have all concluded that the scientific evidence to date does not demonstrate any adverse health effects associated with the use of wireless phones.

146. Not only have Defendants failed to inform consumers regarding the risks of cell phone use, and disclose simple measures that may help mitigate these risks, Defendants continue their refusal to acknowledge and disclose the debate over the potential risks and harms posed by cell phones.

147. Defendants simply introduced cell phones into the market without any prior oversight from any governmental agency and without testing for environmental or adverse health consequences from electric fields, magnetic fields and electromagnetic fields generated by this equipment.

148. In 2011, the World Health Organization (WHO), through its International Agency for Research on Cancer (IARC), declared the RF radiation emitted from cell phones to be “possibly carcinogenic to humans,” a “Group 2B” classification. Thirty scientists with recognized expertise in the field of RF radiation were selected to form the IARC Working Group charged with classifying the carcinogenicity level of cell phone radiation. The Working Group conducted an extensive review of the relevant literature and study data before reaching its conclusion, which was set forth in the IARC Monograph, published in 2013. Specifically, the Monograph states that the Working Group placed greater weight on the studies from the Swedish researcher, Lennart Hardell, finding Dr. Hardell’s studies more methodologically robust than other epidemiological studies touted by the industry.

149. Since IARC’s review in 2011, over 100 additional scientific studies have been published in peer-reviewed literature further supporting the causal link between cell phone radiation, brain tumors and health effects. Several experts, including Professor Emeritus Anthony B. Miller, M.D. (Medal Winner from IARC for outstanding service, and associated with several IARC committees), have analyzed this new information and have concluded that cell phone radiation should be classified as a “probably human carcinogen.”

150. In 2012, the Italian Supreme Court (“Corte di Cassazione”) issued a widely publicized opinion ruling that a plaintiff’s brain tumor was caused by his long-term, heavy use of mobile phones while on the job. The Italian Supreme Court, like IARC, relied heavily on the studies by Lennart Hardell and colleagues and the INTERPHONE study. The Court considered

the Hardell studies to be more “reliable” and more “independent” than others which were funded by the cell phone industry.

151. On March 5, 2015, Alexander Lerchl (“Lerchl”), Professor of Biology at Jacobs University in Germany, published a study which sought to replicate an earlier 2010 study by Thomas Tillman of the Fraunhofer Institute of Toxicology and Experimental Medicine in Hannover, Germany, which found that weak cell phone signals can promote the growth of tumors in mice. Lerchl’s study used radiation levels that do not cause heating and are well below current safety standards. However, Lerchl found that lower doses were often more effective tumor promoters than higher levels contrary to a linear dose-response.

152. Prior to his 2015 study, Lerchl was well known as being one of the more outspoken critics of both Hardell and Adlkofer, challenging any science that showed a causal connection between cell phone radiation and adverse health effects. However, Lerchl’s own study ultimately confirmed that such a causal connection exists even at low levels of radiation.

153. In May 2016, the U.S. National Toxicology Program (“NTP”) announced that male rats exposed to cell phone radiation developed higher rates of cancer. The same radiation that lead males rats to develop brain tumors also caused DNA breaks in the male rats’ brains. Ron Melnick, the leader of the team that designed the NTP study, stated that the NTP results provide “strong evidence for the genotoxicity of cell phone radiation,” and “should put to rest the old argument that RF radiation cannot cause DNA damage.”

154. At all relevant times, the debate regarding the biological effects caused by the low-level RF radiation emitted by Defendants’ cell phones was fully known and appreciated by Defendants. At all relevant times, Defendants should have, and easily could have disclosed, to Tod Simpson and the general public the existence and implications of this debate, and the potential health risks at issue, instead of lulling Simpson and like consumers into a false sense of security

that cell phones pose no health risks. Notwithstanding Defendants' knowledge and awareness of health risks and effects of cell phones, as well as the debate with respect thereto, Defendants intentionally and knowingly misrepresented and distorted the true facts and research, concealed and omitted material facts and research, and failed to warn Simpson and other consumers of such health risks, effects, research and protective measures and devices.

155. Although Defendants have an obligation to ensure that the safety of cell phones before releasing the product for sale to the public, Defendants deliberately ignored and downplayed such known health risks in an attempt to create the facade that cell phones are not only safe, but operated well within the SAR standards. In fact, Defendants' own researchers found that the measured radiation levels from cell phones exceeded ANSI guidelines and should be considered dangerous.

156. Defendants failed and/or refused to disclose to consumers in order to protect their ability to mass market cell phones (and their ever increasing wireless functions) to the consuming public, including Tod Simpson.

157. Not only were Defendants aware of the mounting studies demonstrating adverse health effects caused by cell phones, but Defendants were also aware of numerous solutions that could virtually eliminate such health hazards of radiation from cell phones such as shielding, antenna phasing, use of low reluctance material pattern, shrouds, canting, among others. Although Defendants could have incorporated one or more of these safety features in cell phones at a minimal cost, Defendants simply ignored such adverse health effects and instead continued to assert to the public that cell phones are indeed safe.

158. Defendants' strategy has been to aggressively market and sell cell phones and related services by misleading and misinforming potential users about the products and by failing

to protect users from serious dangers, which Defendants knew or should have known directly to result from the use of these products.

159. CTIA and TIA have been in the forefront of the cell phone industry's bad faith and deceptive public relations program to reassure the public of the absence of risk of harm from cell phone use. A standard press release by CTIA states that "after years of substantial research, scientists and governments around the world continue to reaffirm that there is no public health threat from the use of wireless phones." Ed Stiano, a top Motorola executive, announced at a TIA press conference to the news media that more than "forty years of research" and "more than ten thousand studies" had already shown cell phones were safe. These statements were false and misleading and made in willful and wanton disregard of the true facts known to Defendants and the right of Plaintiff to be aware of the risks associated with the use of cell phones.

160. Defendants have and continue to manipulate the science to the detriment of consumers by failing to reveal all relevant findings and by selectively withholding important public health information from the public and Plaintiff in an effort to mislead and deceive them in bad faith.

161. Defendants widely and successfully marketed cell phones across the United States, including the District of Columbia and Plaintiff's home state. Defendants undertook an advertising blitz extolling the virtues of cell phones in order to induce widespread use of the product. Defendants' marketing campaign consisted of advertisements on television, radio and the Internet, promotional literature to be placed in the printed media and in other advertising media, and other promotional materials to be provided to potential users of cell phones.

162. Defendants' advertising program as a whole through affirmative misrepresentations and omissions, falsely and fraudulently sought to create the image and impression that the use of cell phones was safe with no potential for biological harm to the user.

163. Defendants purposefully downplayed, understated, and/or did not state the health hazards and risks associated with cell phones. Defendants, through promotional literature, deceived potential users of cell phones by relaying positive information, including, testimonials from satisfied users, and by manipulating statistics to suggest widespread acceptability, while downplaying, understating, and/or not stating the known adverse and serious health effects. Defendants intentionally and falsely kept relevant information from potential and actual cell phone users and minimized user concern regarding the safety of these products and services in an effort to deceive such potential and actual users.

164. Defendants have intentionally concealed and withheld material information from Plaintiff as well as other potential and actual cell phone users, including, but not limited to, the following:

- (a) The ANSI standards for RF radiation had consistently been revised downward.
- (b) The 1992 ANSI guidelines required cell phones to operate below certain SAR limits or that the cell phones Simpson had purchased had not been certified to be in compliance with the ANSI guidelines or the FCC mandated SAR limits.
- (c) The model cell phones provided and/or purchased and used by Simpson had test SAR readings above the level set by the 1992 ANSI guidelines.
- (d) The cell phones provided and/or sold to Simpson are equipped with a retractable whip antenna. During the SAR testing, such antennas are fully extended. If the antenna is not extended to its full length, the radiation point will be in an undesirably close proximity to the user's head and there will be an increase of the SAR of electromagnetic energy emitted from the antenna. Although it is possible to disable the antenna, unless it is fully extended, the antennae were not disabled in the cell phones purchased by Simpson. Defendants did not disclose to Simpson or other potential and actual cell phone users that the cell phone antenna should be extended when the device is in use.
- (e) That "hot spots" within the brain are created by the reflection and refraction of the RF radiation waves off such things as the curvature of the skull, ridges in the bone and the irregular shape of the brain, which focus the energy

much as a magnifying glass does on a single location and creates a SAR reading 200 times the allowable amount.

- (f) That the SAR testing conducted by Defendants does not test for non-ionizing radiation or for hot spots created by the convergence of airwaves by reason of reflection and refraction off of the irregular surfaces of the human head and attenuation by passage through different layers of skin, fat, bone, etc. before reaching the brain.
- (g) That when the cell phone is held at different positions against the head, it results in greatly different SAR results. Defendants did not provide Tod Simpson, or any other potential or actual cell phone users, with any instruction showing how Simpson's cell phone should be positioned relative to his head or warning concerning the consequences of not maintaining the distance and angle of the antenna in conformance with the SAR test procedures.
- (h) That there is a wide range of individual tolerance to RF radiation as a result of differences in individuals' body cell water, fat content and other factors. This makes certain individuals more susceptible to the effects of such radiation.
- (i) That there were numerous studies of which Defendants were aware that confirmed cell phones cause adverse health effects to the user.
- (j) That after the FCC established a maximum SAR level on August 1, 1996, it allowed cell phone manufactures to self-certify whether their cell phones are within SAR limits. Given the wide variance in these values caused by test manipulation and error, many of the cell phones, including those used by Tod Simpson failed to comply with the post-1996 SAR standards mandated by the FCC.
- (k) That the SAR testing was subject to testing error and manipulation rendering the results thereof unreliable.
- (l) That there were numerous precautionary measures which could have been taken to ensure the safety of the cell phones, but which Defendants failed to implement.

Reliance on Defendants' Representations

165. Tod Simpson purchased and used cell phones extensively without any concerns or precautionary measures in reliance upon Defendants' misrepresentations and omissions as to the safety of the cell phones.

166. Although Defendants were aware of the large number of minutes of airtime for periods used by Tod Simpson as well as other cell phone users, Defendants failed to advise Simpson that there was a risk of harm associated with his cell phone use, or that he could use a headset or take other precautionary measures to reduce his radiation exposure from cell phones.

167. Tod Simpson relied on Defendants' statements that cell phones were safe to use in making his decision to purchase cell phones, subscribe to Defendants' cellular service, and use and continue to use his cell phones extensively. Simpson would never have purchased the cell phones he used, or taken the risk of extensively using cell phones without protective measures or devices, had Defendants disclosed the truth about the health risks and effects of cell phones, the self-certification procedure and SAR levels, and the protective measures and devices that could have been available to Simpson and other cell phone users.

168. Tod Simpson would have taken precautionary measures had Defendants disclosed that such measures were available and could ensure the safety of using a cell phone.

COUNT I
INTENTIONAL FRAUD AND MISREPRESENTATION

169. Plaintiff hereby adopts and incorporates by reference all facts and allegations set forth in paragraphs 1-168 above, and further allege that:

170. Defendants conspired and acted in concert to deceive and fraudulently induce Simpson and other consumers to purchase, use and continue to use cell phones without any protective measures or devices.

171. In furtherance of the scheme to defraud, Defendants made false, malicious and willful misrepresentations to Simpson and other consumers and/or intentionally concealed and hid material facts from Simpson and other consumers in an effort to deceive and defraud them.

172. At all times herein, Defendants, in their advertising, public statements, instruction manuals and promotional literature, continuously made false representations to Simpson and the public in order to cause them to believe that cell phones are safe and do not pose any risk of harm to the user whatsoever.

173. In order to maintain and/or increase their sales and profits, Defendants, through their advertising, promotional campaigns and marketing, have by use of false, misleading and deceptive statements, intentionally and knowingly misrepresented the following to the public and Simpson:

- (a) Cell phones are safe to use in that there is absolutely no health risk from cell phones;
- (b) Healthcare standards have been adopted by the federal government to assure the public that cell phones are safe;
- (c) Research has shown that there is absolutely no risk of harm associated with the use of cell phones;
- (d) Manufacturers' testing of cell phones is a guarantee that the cell phone emits no harmful radiation;
- (e) All precautions and safety measures have been used to ensure the safety of cell phones;
- (f) Cell phones manufactured after August 1, 1996, complied with the FCC mandated SAR.

174. In order to maintain and/or increase their sales and profits, Defendants, through their advertising, promotional campaigns and marketing have intentionally and knowingly concealed and hid material facts from the public, including Tod Simpson, as follows:

- (a) That there is a risk of harm from cell phone use;
- (b) That Defendants failed to adequately test cell phones;
- (c) That cell phones did not meet the requisite safety standards;

- (d) That research indicated an association between cell phone usage and illness, including cancer;
- (e) That there were methods and solutions which could eliminate the transmission of hazardous RF radiation into the user's body;
- (f) That there were protective devices and other protective measures which could reduce the risk of harm upon the user;
- (g) That there were procedures and methods concerning the proper and safe use of cell phones which could have been implemented;
- (h) That there were research and test results which demonstrated that cell phones proposed a health risk upon the user;
- (i) That cell phones which were manufactured after August 1, 1996, operated in excess of the 1996 SAR standard; and
- (j) That the SAR testing was subject to testing error and manipulation, rendering the results thereof unreliable.

175. Defendants made the misrepresentations and omissions of material facts with full knowledge of the falsity thereof and/or with reckless disregard for the truth.

176. Defendants intentionally made the misrepresentations and omissions in bad faith.

177. In making these misrepresentations of facts to Tod Simpson as well as other prospective and existing users of cell phones, while knowing such representations to be false, Defendants have intentionally misrepresented material facts and breached their duty not to do so. Simpson would never have purchased the cell phones he used or taken the risk of extensively using cell phones without protective measures or devices had Defendants disclosed the truth about the health risks and effects of cell phones, the dangers of using the cell phones, the self-certification procedure and SAR levels and the protective measures and devices that could have been available to Simpson and other cell phone users.

178. Defendants made the misrepresentations and concealed and hid material facts from Simpson for the purpose of causing Simpson, as well as other prospective and existing users of cell phones, to rely upon such statements and omissions to their detriment, which in fact occurred.

179. Tod Simpson reasonably relied upon Defendants' misrepresentations and omissions and suffered loss of earnings and illness as a result thereof.

180. As a direct, natural, foreseeable and proximate result of Defendants' fraudulent conduct, Tod Simpson sustained economic loss, emotional and psychological stress and a range of problems associated with oxidative pathology induced by his cell phones, including diminution or loss of earning capacity, in an amount to be determined. Simpson further incurred significant costs for healthcare, medical, incidental and related expenses and/or has been otherwise injured.

181. As a direct, natural, proximate and foreseeable consequence of the foregoing, Tod Simpson suffered damages for which he is entitled to recovery, including, but not limited to, compensatory damages, consequential damages, interest, costs and attorney fees.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in the full and just amount of FIFTY MILLION DOLLARS (\$50,000,000.00) plus interest, costs of this suit, and any further relief as the Court may determine appropriate.

COUNT II
NEGLIGENT MISREPRESENTATION

182. Plaintiff hereby adopts and incorporates by reference all facts and allegations set forth in paragraphs 1-181 above, and further allege that:

183. Defendants expressly and/or impliedly undertook to exercise and owed Tod Simpson a duty to exercise ordinary and reasonable care when making representations as to the safety and usage of cell phones.

184. In making misrepresentations of fact to the public, including Tod Simpson, Defendants breached their duty to exercise ordinary and reasonable care when making representations and disclosures to the public, including Simpson, regarding the safety and usage of cell phones. As set forth in the general allegations, Defendants made false and inaccurate misrepresentations concerning the safety and usage of cell phones and concealed and failed to disclose material facts with respect thereto to the public, including Simpson. Defendants further misrepresented that the cell phones manufactured after 1996, complied with the FCC mandated SAR.

185. Defendants' misrepresentations and omissions were made recklessly and/or negligently.

186. Tod Simpson was unaware that Defendants' representations were false and untrue and that Defendants failed to disclose material facts so as to mislead and deceive the public, including Simpson.

187. Tod Simpson reasonably relied on Defendants' representations concerning the safety of cell phones to his detriment.

188. As a direct, natural, proximate and foreseeable consequence of the foregoing, Tod Simpson suffered damages for which Simpson is entitled to recovery, including, but not limited to, compensatory damages, consequential damages, interest, costs and attorney fees.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally, in the full and just amount of FIFTY MILLION DOLLARS (\$50,000,000.00) plus interest, costs of this suit, and any further relief as the Court may determine appropriate.

COUNT III
STRICT LIABILITY AGAINST ALL DEFENDANTS
EXCEPT CTIA AND TIA

189. Plaintiff hereby adopts and incorporates by reference all facts and allegations set forth in paragraphs 1-188 above, and further alleges that:

190. Defendants are manufacturers and/or suppliers of cell phones and cellular services and are engaged in the design, manufacture and sale of cell phones.

191. The cell phones that Tod Simpson purchased and/or used were defective and dangerous.

192. Simpson purchased and/or used such goods and services from Defendants, without knowledge that the same were defective and dangerous. Had Simpson been aware of the risk of adverse health effects arising out of the use of cell manufactured after August 1, 1996, which exceeded the FCC mandated SAR, he would not have purchased and/or used a cell phone or subscribed to Defendants' cellular service.

193. At all times relevant hereto, Tod Simpson used Defendants' goods and services in the manner for which they were intended.

194. Simpson was injured as a result of the defective condition of Defendants' goods and services, said defect having existed at the time of manufacture and sale of the products to Simpson, and continuing to exist through and including the time of injury. Therefore, Defendants are strictly liable to Simpson for the injuries sustained by Simpson and the damages he had incurred thereby.

195. Defendants knew that the cell phones used by Simpson were dangerous and defective when sold to consumers, including Simpson, and at all times thereafter.

196. As a direct, natural, proximate and foreseeable consequence of the foregoing, Tod Simpson suffered damages for which Simpson is entitled to recovery, including, but not limited to, compensatory damages, consequential damages, interest, costs and attorney fees.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in the full and just amount of FIFTY MILLION DOLLARS (\$50,000,000.00) plus interest, costs of this suit, and any further relief as the Court may determine appropriate.

COUNT IV
FAILURE TO WARN AND DEFECTIVE MANUFACTURE AND DESIGN

197. Plaintiff hereby adopts and incorporates by reference all facts and allegations set forth in paragraphs 1-196 above, and further allege that:

198. At all times herein relevant, Defendants were the researchers, designers, manufacturers, suppliers and sellers of cell phones, which were placed in the stream of commerce in a defective and unreasonably dangerous condition. Despite Defendants' knowledge of the risk of harm to consumers and that there were protective devices and measures available to reduce or eliminate the hazards of cell phones, Defendants intentionally concealed and failed to disclose the nature of and benefits of such safeguards.

199. The cell phones were defective in that they were marketed and sold without adequate testing and/or with knowledge that the test information was unreliable, inadequate or in error.

200. Defendants failed to provide and include proper and necessary warnings regarding the potential adverse health effects associated with the use of cell phones that they knew, or should have known, posed the risk of injury to Tod Simpson, or any other consumers. Despite such knowledge, Defendants failed to instruct Simpson, or any other consumers, concerning the proper use of cell phones or that there were protective devices and measures which could be taken in order

to minimize the risk of adverse health effects. Instead, Defendants continued to promote the cell phones as totally safe, free of defects and free from risk of harm.

201. As a direct, natural, proximate and foreseeable result of the defective and unreasonably dangerous conditions of the cell phones and due to Defendants' failure to protect, instruct or warn Tod Simpson, he developed a tumor in his brain.

202. As a direct, natural, proximate and foreseeable consequence of the foregoing, Tod Simpson suffered damages for which Plaintiff is entitled to recovery, including, but not limited to, compensatory damages, consequential damages, interest, costs and attorney fees.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in the full and just amount of FIFTY MILLION DOLLARS (\$50,000,000.00) plus interest, costs of this suit, and any further relief as the Court may determine appropriate.

COUNT V
NEGLIGENCE

203. Plaintiff hereby adopts and incorporates by reference all facts and allegations set forth in paragraphs 1-202 above, and further allege that:

204. Defendants owed Tod Simpson the duty of ordinary and appropriate care in the testing, manufacture, quality assurance, quality control, distribution, advertising, sale, provision of operating instructions and provision of the cell phones. Defendants failed to fulfill that duty in numerous respects including, but not limited to, the following:

- (a) Not adequately or properly testing cell phones, including the cell phones used by Simpson, for health hazards;
- (b) By failing to disclose the health risks from cell phones which were already known to Defendants at the time of marketing the product;
- (c) By marketing, promoting and selling cell phones without adequate safeguards to protect the user, including Simpson;

- (d) By failing to provide adequate warning to the public, purchasers or users of cell phones, including Simpson, regarding the dangerous potential hazards from using cell phones;
- (e) By failing to provide adequate instruction to the users, including Simpson, concerning the proper use of cell phones; and
- (f) By failing to disclose that there were protective measures and devices available which could have eliminated and/or reduced the hazards from using cell phones.

205. As a direct, natural, proximate and foreseeable consequence of the foregoing, Tod Simpson suffered damages for which he is entitled to recovery, including, but not limited to, compensatory damages, consequential damages, interest, costs and attorney fees.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in the full and just amount of FIFTY MILLION DOLLARS (\$50,000,000.00) plus interest, costs of this suit, and any further relief as the Court may determine appropriate.

COUNT VI
BREACH OF IMPLIED WARRANTY - MERCHANTABILITY

206. Plaintiff hereby adopts and incorporates by reference all facts and allegations set forth in paragraphs 1-205 above, and further alleges that:

207. At the time Defendants marketed, sold, distributed and/or promoted cell phones and cellular services for use by Tod Simpson, Defendants knew of the ordinary use for which cell phones were used and impliedly warranted the product and services to be of merchantable quality and safe and fit for the ordinary purposes for which such goods are used.

208. Simpson relied upon the skill and judgment of Defendants as to whether the cell phones were of merchantable quality and safe for ordinary purposes.

209. Simpson used the cell phones with the cellular service as intended and foreseen by Defendants.

210. Defendants further breached said warranties as such cell phones manufactured after August 1, 1996, failed to comply with the FCC mandated SAR level, were not fit for their ordinary purpose, and are unreasonably dangerous and unfit for that purpose.

211. As a direct, natural, proximate and foreseeable consequence of the foregoing, Tod Simpson suffered damages for which he is entitled to recovery, including, but not limited to, compensatory damages, consequential damages, interest, costs and attorney fees.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in the full and just amount of FIFTY MILLION DOLLARS (\$50,000,000.00) plus interest, costs of this suit, and any further relief as the Court may determine appropriate.

COUNT VII
VIOLATIONS OF
NORTH CAROLINA CONSUMER PROTECTION LAWS
AGAINST ALL DEFENDANTS EXCEPT CTIA AND TIA

212. Plaintiff, Tod Simpson, hereby incorporates by reference all facts and allegations set forth in paragraphs 1-211 above, and further allege that:

213. North Carolina General Statutes § 75-1, et seq. - Consumer Protection from Deceptive Acts and Practices, General Statute § 75-1, et seq. authorizes Plaintiff to bring a grievance and/or cause of action to recover for injury or loss sustained as a result of unlawful practices as prohibited by Sections 75-1, et seq., General Statute Law – Consumer Protection from Deceptive Acts and Practices.

214. Further, North Carolina General Statutes § 14-117 makes it unlawful to disseminate any advertisement regarding merchandise and/or services which contains “any assertion, representation or statement of fact which is untrue, deceptive or misleading.”

215. Defendants violated North Carolina’s. General Statutes § 75-1, et seq. and § 14-117 by engaging in unfair and/or deceptive practices and by disseminating fraudulent and/or deceptive

advertising, of which Defendants had exclusive knowledge and which were not known to Simpson, including the use of fraud, deception, false representations, suppression and omission of the material facts set forth above, with the intent that consumers, like Simpson, would reasonably rely upon such concealment, suppression and/or omission of material.

216. By virtue of the foregoing, Defendants made affirmative misrepresentations and/or omitted information that was material to Simpson's decision about whether to purchase his cell phones or the safest manner of using the cell phones. Simpson would never have purchased the cell phones he used or taken the risk of extensively using and continuing to use the cell phones without protective measures or devices had Defendants disclosed the truth about the health risks and effects of cell phones, the dangers of using the cell phones purchased by Simpson, the self-certification procedure and SAR levels, and the protective measures and devices that could have been available to Simpson and other cell phone users.

217. To remedy these violations, it is requested that this Court award damages for the injuries and losses by Tod Simpson and reasonable attorney fees pursuant to General Statute § 75-1, et seq.

218. Tod Simpson reasonably relied on Defendants' representations and was deceived and damaged by virtue of Defendants' unfair and deceptive trade practices.

219. By virtue of the intentional, malicious and bad faith conduct of Defendants, Tod Simpson is entitled to recover punitive and/or exemplary damages.

220. As a direct, contributory and proximate result of Defendants' fraudulent conduct and violation of North Carolina General Statute– Consumer Protection from Deceptive Acts and Practices, Tod Simpson suffered permanent disability. Simpson has sustained economic loss, emotional and psychological stress and a range of problems associated with oxidative pathology induced by the use of his cell phones, including loss of earnings and diminution or loss of earning

capacity, in an amount to be determined. Simpson further incurred significant costs for health care, medical, incidental and related expenses and/or has been otherwise injured.

221. As a direct, natural, proximate and foreseeable consequence of the foregoing, Tod Simpson suffered damages for which he is entitled to recovery, including, but not limited to, compensatory damages, costs and attorney fees.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for the following categories of damages in an amount to be determined as permitted by the applicable North Carolina Consumer Protection Laws: actual damages; treble damages; punitive damages; civil penalties; attorney fees; interest; costs and/or any other relief as is warranted and appropriate pursuant to statute.

COUNT VIII
PUNITIVE DAMAGES

222. Plaintiff hereby adopts and incorporates by reference all facts and allegations set forth in paragraphs 1-221 above, and further allege that:

223. The conduct of Defendants in designing, testing, manufacturing, and Defendants' conduct in promoting, advertising, selling, marketing, and distributing their cell phones and in failing to warn Plaintiff and other members of the public of the dangers inherent in the use of cell phones, which were well known to Defendants, was attended by circumstances of fraud, malice, or willful and wanton conduct, done heedlessly and recklessly, without regard to consequence, or of the rights and safety of others, particularly Simpson. Such conduct includes but is not limited to the following:

- (a) Upon information and belief, Defendants actually knew of their cell phone's defective nature, as set forth herein, but continued to design, manufacture, market and sell the product so as to maximize sales and profits at the expense of the health and safety of the consuming public, including Simpson, and in conscious disregard of the foreseeable harm caused by their cell phones;

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

Respectfully submitted,

MORGANROTH & MORGANROTH, PLLC

By: /s/ Jeffrey B. Morganroth
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Dated: July 16, 2021



Superior Court of the District of Columbia
 CIVIL DIVISION
 Civil Actions Branch
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

Microsoft Mobile, Inc. f/k/a Nokia, Inc. f/k/a Nokia Mobile Phones, Inc.

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

344 N. Old Woodward Ave., Ste. 200

Birmingham, MI 48009

Telephone 248-864-4000

如需翻译,请打电话 (202) 879-4828

Veillez appeler au (202) 879-4828 pour une traduction

Để có một bản dịch, hãy gọi (202) 879-4828

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By _____

Deputy Clerk

Date _____

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

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See reverse side for Spanish translation

Vea al dorso la traducción al español



TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
Sección de Acciones Civiles
 500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
 Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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Superior Court of the District of Columbia
 CIVIL DIVISION
 Civil Actions Branch
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

HP, Inc.

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

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Birmingham, MI 48009

Telephone 248-864-4000

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By _____

Deputy Clerk

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Sección de Acciones Civiles
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_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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Superior Court of the District of Columbia
 CIVIL DIVISION
 Civil Actions Branch
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

TCL Communications, Inc.

Defendant

SUMMONS

To the above named Defendant:

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

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By _____

Deputy Clerk

Date _____

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 Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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Superior Court of the District of Columbia
CIVIL DIVISION
 Civil Actions Branch
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

Motorola Mobility, LLC

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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Clerk of the Court

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Address

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_____ Demandante
 contra

Número de Caso: _____

_____ Demandado

CITATORIO

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SECRETARIO DEL TRIBUNAL

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Por: _____
 Subsecretario

 Dirección

Fecha _____

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Si desea conversar con un abogado y le parece que no puede pagarle a uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse sobre otros lugares donde puede pedirayuda al respecto.

Vea al dorso el original en inglés
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Superior Court of the District of Columbia
CIVIL DIVISION
 Civil Actions Branch
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

Motorola Solutions, Inc. f/k/a Motorola, Inc.

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

By _____

Address

Deputy Clerk

344 N. Old Woodward Ave., Ste. 200

Birmingham, MI 48009

Date _____

Telephone 248-864-4000

如需翻译,请打电话 (202) 879-4828

Veillez appeler au (202) 879-4828 pour une traduction

Để có một bản dịch, hãy gọi (202) 879-4828

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DIVISIÓN CIVIL
Sección de Acciones Civiles
 500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
 Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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Superior Court of the District of Columbia
 CIVIL DIVISION
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 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

Motorola, Inc.

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

344 N. Old Woodward Ave., Ste. 200

Birmingham, MI 48009

Telephone 248-864-4000

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By _____

Deputy Clerk

Date _____

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 500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
 Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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 CIVIL DIVISION
 Civil Actions Branch
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

Apple, Inc.

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

344 N. Old Woodward Ave., Ste. 200

Birmingham, MI 48009

Telephone 248-864-4000

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By _____

Deputy Clerk

Date _____

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_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

Google LLC

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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Clerk of the Court

Name of Plaintiff's Attorney

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Deputy Clerk

Date _____

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_____ Demandante

contra

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

如需翻译, 请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Đê cò một bài dịch, hãy gọi (202) 879-4828
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Vea al dorso el original en inglés
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Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

Samsung Electronics America, Inc. f/k/a Samsung Telecommunications America, LLC

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

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Telephone 248-864-4000

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By _____

Deputy Clerk

Date _____

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Veá al dorso la traducción al español



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DIVISIÓN CIVIL
Sección de Acciones Civiles
 500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
 Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

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Dirección

Subsecretario

Teléfono

Fecha _____

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Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

AT&T Mobility LLC a/k/a AT&T Wireless Services, Inc. f/k/a Cingular Wireless, LLC a/k/a

Comcast Cellular Communications, Inc. a/k/a Cellular One, LLC Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

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By _____

Deputy Clerk

Date _____

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 Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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Superior Court of the District of Columbia
CIVIL DIVISION
 Civil Actions Branch
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

Cellco Partnership d/b/a Verizon Wireless

Defendant

SUMMONS

To the above named Defendant:

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

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Deputy Clerk

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Demandante

contra

Número de Caso: _____

Demandado

CITATORIO

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Por: _____

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Subsecretario

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Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

Cellular Telecommunications and Internet Association f/k/a Cellular Telecommunications

Industry Association a/k/a CTIA, Inc. a/k/a CTIA-The Wireless Association
 Defendant

SUMMONS

To the above named Defendant:

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Clerk of the Court

Name of Plaintiff's Attorney

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Date _____

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See reverse side for Spanish translation
 Veá al dorso la traducción al español



TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
Sección de Acciones Civiles
 500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001
 Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

如需翻译, 请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Đê cò một bài dịch, hãy gọi (202) 879-4828
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Vea al dorso el original en inglés
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Superior Court of the District of Columbia
 CIVIL DIVISION
 Civil Actions Branch
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

Telecommunications Industry Association

Defendant

a/k/a TIA

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

344 N. Old Woodward Ave., Ste. 200

Birmingham, MI 48009

Telephone 248-864-4000

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By _____

Deputy Clerk

Date _____

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Sección de Acciones Civiles
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 Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

ABC Corporation

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

344 N. Old Woodward Ave., Ste. 200

Birmingham, MI 48009

Telephone 248-864-4000

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By _____

Deputy Clerk

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_____ Demandante

contra

Número de Caso: _____

_____ Demandado

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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 Civil Actions Branch
 500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
 Telephone: (202) 879-1133 Website: www.dccourts.gov

Tod Kerry Simpson

Plaintiff

vs.

Case Number _____

John Doe

Defendant

SUMMONS

To the above named Defendant:

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Jeffrey B. Morganroth

Clerk of the Court

Name of Plaintiff's Attorney

Morganroth & Morganroth, PLLC

Address

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Birmingham, MI 48009

Telephone 248-864-4000

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By _____

Deputy Clerk

Date _____

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_____ Demandante

contra

Número de Caso: _____

_____ Demandado

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Por: _____

Dirección

Subsecretario

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Information Sheet, Continued

C. OTHERS

- | | |
|---|---|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA) |
| <input type="checkbox"/> 02 Att. Before Judgment | (D.C. Code Title 1, Chapter 6) |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 18 Product Liability |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 10 Traffic Adjudication | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 31 Housing Code Regulations |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 32 Qui Tam |
| <input type="checkbox"/> 16 Declaratory Judgment | <input type="checkbox"/> 33 Whistleblower |

II.

- | | | |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 08 Foreign Judgment/International | 2-1802.03 (h) or 32-151 9 (a)] | <input type="checkbox"/> 23 Rule 27(a)(1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 13 Correction of Birth Certificate | <input type="checkbox"/> 20 Master Meter (D.C. Code § | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | 42-3301, et seq.) | <input type="checkbox"/> 25 Petition for Liquidation |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle) | | |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) | | |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other) | | |

D. REAL PROPERTY

- | | |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate | <input type="checkbox"/> 08 Quiet Title |
| <input type="checkbox"/> 12 Specific Performance | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain) | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) | |

/s/ Jeffrey B. Morganroth

Attorney's Signature

July 16, 2021

Date