AO 441 Summons in a Civil Action

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Certified Nutraceuticals, Inc., a California Corporation

Plaintiff

V.

See Attachment

Defendant

Civil Action No. 17cv1403-MMA-AGS

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an office or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) - You must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Daryoosh Khashayar
400 South Melrose Drive Suite 209
Vista, CA 92081
760-806-4388

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 7/12/17

John Morrill
CLERK OF COURT

S/ M. Lozano
Signature of Clerk or Deputy Clerk

Civil Action No. 17cv1403-MMA-AGS Date Issued: 7/12/17

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____; or

I left the summons at the individual's residence or place of abode with *(name)* _____

_____, a person of suitable age and discretion who resides there,

on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of the individual)* _____, who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are $ _____ for travel and $ _____ for services, for a total of $ _____.

I declare under penalty of perjury that this information is true.

Date: _____

_____

Server's Signature

_____

Printed name and title

_____

Server's address

NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE JUDGE

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEDDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOUL BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

(ATTACHMENT)

Civil Action No. 17cv1403-MMA-AGS

Nutrawise, Inc., a California Corporation, doing business as Youtheory; Darren Rude, an individual; Neocell Corporation, a California Corporation; Collagen M.D., Inc., a California Corporation; Axe Wellness, a Tennessee Limited Liability Company; Dr. Venessa's Formulas, a Florida entity, an individual; Iris Trading an entity form unknown; Nutra Food Ingredients, a Michigan Limited Liability Company, doing business as Nutra Collagen; Mercola.com Health Resources, LLC, an Illinois Limited Liability Company, doing business as Dr. Mercola; Dr. Joseph Mercola, an individual; Vesta Ingredients, Inc. an Indiana Corporation; Nutraceutical Corporation, a Utah Corporation; New England Greens, LLC, a Connecticut Limited Liability Company, doing business as, Vibrant Health; Does 1 through 10, inclusive