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Superior Court of California  
County of Los Angeles

JAN 11 2016

Sherr R. Carter, Executive Officer/Clerk  
By Shaunya Bolden, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

**BC 6 0 6 8 1 6**

FERNANDO DEL REAL,

Plaintiff,

vs.

5 D'S, LLC; 6 RINGS, LLC; BRAND NEW  
ENERGY, INC.; BRAND NEW ENERGY,  
LLC; EXTREME PRODUCTS LLC;  
PROFLEX, LLC; PROFLEX NUTRITION &  
SUPPLEMENTS, LLC; VIT LABS, INC.;  
DARREN HOUSHOLDER aka DARREN  
COLTON; DIANNE HOUSEHOLDER aka  
DIANNE COLTON; LUCAS THOMPSON;  
and DOES 1-15,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL**

1. Negligence
2. Strict Products Liability—Design Defect
3. Strict Products Liability—Failure to Warn
4. Breach of Express Warranty
5. Breach of Implied Warranty
6. False Representation Under Restatement of Torts Section 402-B
7. Intentional Tort Civil Code Sections 1708-1710
8. Unlawful Business Acts and Practices in Violation of California Business and Professions Code § 17200 *et seq.*

1 Plaintiff FERNANDO DEL REAL ("Plaintiff") by and through his attorneys of record  
2 brings this action against defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY,  
3 INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS LLC; PROFLEX, LLC;  
4 PROFLEX NUTRITION & SUPPLEMENTS, LLC; VIT LABS, INC.; DARREN  
5 HOUSHOLDER aka DARREN COLTON; DIANNE HOUSEHOLDER aka DIANNE COLTON;  
6 LUCAS THOMPSON; and DOES 1-15, (collectively, "Defendants"). Plaintiff alleges on  
7 information and belief, except for information based on personal knowledge, as follows:  
8

### 9 INTRODUCTION

10 1. This is a civil action for personal injuries and unfair business practices arising from  
11 Defendants' false representations and blatant misrepresentations regarding the supplement Tri-  
12 Methyl XTREME, a product which Defendants marketed as a non-prescription nutritional  
13 supplement, when, in fact, it contains illegal and dangerous materials including but not limited to  
14 anabolic steroids which can and did cause severe injuries to Plaintiff and other consumers, and  
15 Liver Health, falsely marketed as a liver "cleansing and detoxifying" supplement.

16 2. Plaintiff ingested Tri-Methyl XTREME and Liver Health, and suffered physical  
17 and emotional injuries, and thereupon brings the instant action seeking compensatory and punitive  
18 damages.

### 19 JURISDICTION AND VENUE

20 3. Plaintiff alleges an amount in controversy in excess of the minimal jurisdictional  
21 limits of this Court.

22 4. Venue is proper since the Plaintiff and at least one defendant can be found in, and  
23 because the injury occurred, within the State of California, County of Los Angeles.

### 24 DEFENDANT PARTIES

25 5. Defendant 5 D'S, LLC is a Nevada corporation headquartered in Las Vegas,  
26 Nevada and was and is regularly engaged in the business of licensing, manufacturing, formulating,  
27 packaging, distributing, and/or selling, either directly or indirectly through third parties or related  
28 entities non-prescription dietary supplements for sale to, and use by, members of the general

1 public, and as a part of its business, said defendant, directly or indirectly was and is engaged in the  
2 manufacturing/formulating/packaging/distributing/selling of a purported nutritional/dietary  
3 supplement under the proprietary name Tri-Methyl XTREME in interstate commerce and in  
4 California, which Plaintiff ingested as alleged herein.

5 6. Defendant 6 RINGS, LLC is a Nevada corporation headquartered in Burbank,  
6 California and was and is regularly engaged in the business of licensing, manufacturing,  
7 formulating, packaging, distributing, and/or selling, either directly or indirectly through third  
8 parties or related entities non-prescription dietary supplements for sale to, and use by, members of  
9 the general public, and as a part of its business, said defendant, directly or indirectly was and is  
10 engaged in the manufacturing/formulating/packaging/distributing/selling of a purported  
11 nutritional/dietary supplement under the proprietary name Tri-Methyl XTREME in interstate  
12 commerce and in California, which Plaintiff ingested as alleged herein.

13 7. Defendant BRAND NEW ENERGY, INC. is a California corporation  
14 headquartered in Burbank, California and was and is regularly engaged in the business of  
15 licensing, manufacturing, formulating, packaging, distributing, and/or selling, either directly or  
16 indirectly through third parties or related entities non-prescription dietary supplements for sale to,  
17 and use by, members of the general public, and as a part of its business, said defendant, directly or  
18 indirectly was and is engaged in the manufacturing/formulating/packaging/distributing/selling of a  
19 purported nutritional/dietary supplement under the proprietary name Tri-Methyl XTREME in  
20 interstate commerce and in California, which Plaintiff ingested as alleged herein.

21 8. BRAND NEW ENERGY, LLC is a California corporation headquartered in  
22 Burbank, California and was and is regularly engaged in the business of licensing, manufacturing,  
23 formulating, packaging, distributing, and/or selling, either directly or indirectly through third  
24 parties or related entities non-prescription dietary supplements for sale to, and use by, members of  
25 the general public, and as a part of its business, said defendant, directly or indirectly was and is  
26 engaged in the manufacturing/formulating/packaging/distributing/selling of a purported  
27 nutritional/dietary supplement under the proprietary name Tri-Methyl XTREME in interstate  
28 commerce and in California, which Plaintiff ingested as alleged herein.

1           9. Defendant EXTREME PRODUCTS, LLC is a Nevada corporation headquartered  
2 in Burbank, California and was and is regularly engaged in the business of licensing,  
3 manufacturing, formulating, packaging, distributing, and/or selling, either directly or indirectly  
4 through third parties or related entities non-prescription dietary supplements for sale to, and use  
5 by, members of the general public, and as a part of its business, said defendant, directly or  
6 indirectly was and is engaged in the manufacturing/formulating/packaging/distributing/selling of a  
7 purported nutritional/dietary supplement under the proprietary name Tri-Methyl XTREME in  
8 interstate commerce and in California, which Plaintiff ingested as alleged herein.

9           10. Defendant PROFLEX, LLC is a California corporation headquartered in West  
10 Covina, California and was and is regularly engaged in the business of licensing, manufacturing,  
11 formulating, packaging, distributing, and/or selling, either directly or indirectly through third  
12 parties or related entities non-prescription dietary supplements for sale to, and use by, members of  
13 the general public, and as a part of its business, said defendant, directly or indirectly was and is  
14 engaged in the manufacturing/formulating/packaging/distributing/selling of a purported  
15 nutritional/dietary supplement under the proprietary name Tri-Methyl XTREME and Liver Health  
16 in interstate commerce and in California, which Plaintiff ingested as alleged herein.

17           11. Defendant PROFLEX NUTRITION & SUPPLEMENTS, LLC is a California  
18 corporation headquartered in West Covina, California and was and is regularly engaged in the  
19 business of licensing, manufacturing, formulating, packaging, distributing, and/or selling, either  
20 directly or indirectly through third parties or related entities non-prescription dietary supplements  
21 for sale to, and use by, members of the general public, and as a part of its business, said defendant,  
22 directly or indirectly was and is engaged in the manufacturing/ formulating/ packaging/  
23 distributing/ selling of a purported nutritional/dietary supplement under the proprietary name Tri-  
24 Methyl XTREME and Liver Health in interstate commerce and in California, which Plaintiff  
25 ingested as alleged herein.

26           12. Defendant VIT LABS, INC. is a California corporation headquartered in Monterey  
27 Park, California and was and is regularly engaged in the business of licensing, manufacturing,  
28 formulating, packaging, distributing, and/or selling, either directly or indirectly through third

1 parties or related entities non-prescription dietary supplements for sale to, and use by, members of  
2 the general public, and as a part of its business, said defendant, directly or indirectly was and is  
3 engaged in the manufacturing/ formulating/ packaging/ distributing/ selling of a purported  
4 nutritional/dietary supplement under the proprietary name Liver Health in interstate commerce and  
5 in California, which Plaintiff ingested as alleged herein.

6 13. Defendant DARREN HOUSHOLDER aka DARREN COLTON is an individual  
7 who resides in Burbank, California. Upon information and belief, defendant DARREN  
8 HOUSHOLDER aka DARREN COLTON has an ownership interest and executive position in the  
9 Defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND NEW  
10 ENERGY, LLC; and EXTREME PRODUCTS LLC. Upon further information and belief,  
11 defendant DARREN HOUSHOLDER aka DARREN COLTON is a shareholder and a corporate  
12 officer in each of the defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.;  
13 BRAND NEW ENERGY, LLC; and EXTREME PRODUCTS LLC, and was responsible for the  
14 acts of them and for all intents and purposes owns, operates and acts through these entities.

15 14. Defendant DIANNE HOUSEHOLDER aka DIANNE COLTON is an individual  
16 who resides in Burbank, California. Upon information and belief, defendant DIANNE  
17 HOUSEHOLDER aka DIANNE COLTON has an ownership interest and executive position in the  
18 defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND NEW  
19 ENERGY, LLC; and EXTREME PRODUCTS LLC. Upon further information and belief,  
20 defendant DIANNE HOUSEHOLDER aka DIANNE COLTON is a sharebolder and a corporate  
21 officer in each of the defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.;  
22 BRAND NEW ENERGY, LLC; and EXTREME PRODUCTS, LLC, and was responsible for the  
23 acts of them and for all intents and purposes owns, operates and acts through these entities.

24 15. Defendant LUCAS THOMPSON is an individual who resides in Los Angeles,  
25 California. Upon information and belief, defendant LUCAS THOMPSON has an ownership  
26 interest and executive position in the defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW  
27 ENERGY, INC.; BRAND NEW ENERGY, LLC; and EXTREME PRODUCTS LLC. Upon  
28 further information and belief, defendant LUCAS THOMPSON is a shareholder and a corporate

1 officer in defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND  
2 NEW ENERGY, LLC; and EXTREME PRODUCTS LLC, and was responsible for the acts of the  
3 them and for all intents and purposes owns, operates and acts through these entities.

4 16. Furthermore, Defendants were at all times alleged herein under the control of their  
5 founder and dominant principal, defendant DARREN HOUSHOLDER aka DARREN COLTON.  
6 The corporate forms filed with the California Secretary of State for EXTREME PRODUCTS,  
7 LLC were signed by defendant DARREN HOUSHOLDER aka DARREN COLTON, who is  
8 identified thereon as "Managing Member" and "President."

9 17. Plaintiff is ignorant of the true names and capacities of defendants sued herein as  
10 Does 1-15, inclusive, and therefore sued these defendants by such fictitious names. Plaintiff will  
11 amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is  
12 informed and believes and thereon alleges that each of these fictitiously named defendants is  
13 responsible in some manner for the occurrences herein alleged, and that Plaintiff's injuries as  
14 herein alleged were proximately caused by the aforementioned defendants.

15 18. At all times herein alleged, each of the acts of the employees, including but not  
16 limited to defendants DARREN HOUSHOLDER aka DARREN COLTON, DIANNE  
17 HOUSEHOLDER aka DIANNE COLTON, and LUCAS THOMPSON were acting on behalf of,  
18 for the benefit of, at the direction of, and at the behest of the corporate defendants and were  
19 ratified by said corporate defendants. Further, each of the acts of the employees, including but not  
20 limited to defendants DARREN HOUSHOLDER aka DARREN COLTON, DIANNE  
21 HOUSEHOLDER aka DIANNE COLTON, and LUCAS THOMPSON, were done pursuant to  
22 and in accordance with corporate policy.

23 19. Defendants, and each of them, are engaged in a single enterprise of developing,  
24 marketing, and distributing dietary supplements. There exists, and at all times herein alleged,  
25 there existed, a unity of interest in ownership between and among defendants 5 D'S, LLC; 6  
26 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME  
27 PRODUCTS LLC; DARREN HOUSHOLDER aka DARREN COLTON; DIANNE  
28 HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON; and DOES 1-10, such that

1 any individuality and separateness between and among Defendants has ceased and the individual  
2 defendants are the alter-egos of and agents of each other and exerted control over each other.  
3 Adherence to the fiction of the separate existence of Defendants as entities distinct from each  
4 other will permit an abuse of the corporate privilege and would sanction fraud and promote  
5 injustice. The alter ego entities were formed for the purpose of selling untested and dangerous  
6 dietary supplements, including Tri-Methyl XTREME, which carried a high risk of causing serious  
7 personal injuries, without being responsible to the injured customers.

8 20. Additionally, the corporate fiction of defendants 5 D'S, LLC; 6 RINGS, LLC;  
9 BRAND NEW ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS LLC;  
10 DARREN HOUSHOLDER aka DARREN COLTON; DIANNE HOUSHOLDER aka DIANNE  
11 COLTON; LUCAS THOMPSON; and DOES 1-10, and each of them, were a sham to perpetrate a  
12 fraud as herein alleged and to shield Defendants and the responsible entities from liability for  
13 breach of their legal and equitable duties.

14 21. Defendants 5 D'S, LLC, 6 RINGS, LLC, BRAND NEW ENERGY, INC., BRAND  
15 NEW ENERGY, LLC, EXTREME PRODUCTS GROUP, LLC, and DOES 5-10, and each of  
16 them, are mere shells and shams without capital, stock, or stockholders. Defendants 5 D'S, LLC,  
17 6 RINGS, LLC, BRAND NEW ENERGY, INC., BRAND NEW ENERGY, LLC, EXTREME  
18 PRODUCTS GROUP, LLC, and DOES 5-10 were conceived, intended, and used by Defendants  
19 as devices to avoid individual liability, to hide assets, and for the purpose of substituting  
20 financially insolvent corporations in place of defendants DARREN HOUSHOLDER aka  
21 DARREN COLTON, DIANNE HOUSHOLDER aka DIANNE COLTON, LUCAS  
22 THOMPSON, and DOES 1-4, and each other.

23 22. Plaintiff alleges that defendants 5 D'S, LLC, 6 RINGS, LLC, BRAND NEW  
24 ENERGY, INC., BRAND NEW ENERGY, LLC, EXTREME PRODUCTS GROUP, LLC, and  
25 DOES 5-10, are and at all times herein were, so inadequately capitalized that, compared with the  
26 business to be done by these defendants and the risk of loss attendant thereto, their capitalization  
27 was illusory or trifling.

28 ///

1           23. Plaintiff alleges that Defendants 5 D'S, LLC, 6 RINGS, LLC, BRAND NEW  
2 ENERGY, INC., BRAND NEW ENERGY, LLC, EXTREME PRODUCTS GROUP, LLC, and  
3 DOES 5-10, is and at all times herein was, the alter ego of each other and defendants DARREN  
4 HOUSHOLDER aka DARREN COLTON, DIANNE HOUSHOLDER aka DIANNE COLTON,  
5 LUCAS THOMPSON, and DOES 1-4, and there exists and at all times herein existed a unity of  
6 ownership between the, that any separateness ceased to exist. Defendants DARREN  
7 HOUSHOLDER aka DARREN COLTON, DIANNE HOUSHOLDER aka DIANNE COLTON,  
8 LUCAS THOMPSON, and DOES 1-4 used assets of DEFENDANTS 5 D'S, LLC, 6 RINGS,  
9 LLC, BRAND NEW ENERGY, INC., BRAND NEW ENERGY, LLC, EXTREME PRODUCTS  
10 GROUP, LLC, and DOES 5-10 for their own personal use, caused said assets to be transferred to  
11 them without adequate consideration, and withdrew funds from defendants 5 D'S, LLC, 6 RINGS,  
12 LLC, BRAND DISTRIBUTING GROUP, BRAND NEW ENERGY, INC., BRAND NEW  
13 ENERGY, LLC, EXTREME PRODUCTS GROUP, LLC, and DOES 5-10's bank accounts for  
14 their own personal use.

15           24. Plaintiff alleges that defendants 5 D'S, LLC, 6 RINGS, LLC, BRAND NEW  
16 ENERGY, INC., BRAND NEW ENERGY, LLC, EXTREME PRODUCTS GROUP, LLC, and  
17 DOES 5-10 are, and at all times herein were, controlled, dominated, and operated by defendants  
18 DARREN HOUSHOLDER aka DARREN COLTON, DIANNE HOUSHOLDER aka DIANNE  
19 COLTON, LUCAS THOMPSON, and DOES 1-4 as their individual business and alter egos, and  
20 each other, in that the activities and business of defendants 5 D'S, LLC, 6 RINGS, LLC, BRAND  
21 NEW ENERGY, INC., BRAND NEW ENERGY, LLC, EXTREME PRODUCTS GROUP, LLC,  
22 and DOES 5-10 were carried out without the holding of Directors or Shareholders meetings, no  
23 records or minutes of any corporate proceedings were maintained, and defendants DARREN  
24 HOUSHOLDER aka DARREN COLTON, DIANNE HOUSHOLDER aka DIANNE COLTON,  
25 LUCAS THOMPSON, and DOES 1-4 entered into personal transactions without the approval of  
26 other directors or shareholders.

27           25. Adherence to the fiction of the separate existence of Defendants 5 D'S, LLC; 6  
28 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME



1 PRODUCTS LLC; DARREN HOUSHOLDER aka DARREN COLTON; DIANNE  
2 HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON; and DOES 1-10, would  
3 promote injustice and result in inequity to Plaintiff and would permit abuse of the corporate  
4 privilege and would sanction fraud.

5 26. At all relevant times, defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW  
6 ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS LLC; PROFLEX,  
7 LLC; PROFLEX NUTRITION & SUPPLEMENTS, LLC; DARREN HOUSHOLDER aka  
8 DARREN COLTON; DIANNE HOUSEHOLDER aka DIANNE COLTON; LUCAS  
9 THOMPSON; and DOES 1-10, are each predecessors-in-interest and successors-in-interest of  
10 each-other, with liability flowing through and between them. Each were each engaged in the  
11 business of designing, developing, manufacturing, testing, packaging, promoting, marketing,  
12 distributing, labeling, and/or selling, directly and indirectly, through third parties or related  
13 entities, and/or Defendants are otherwise responsible as corporate successors for the liabilities of  
14 the entities that designed, developed, manufactured, tested, packaged, promoted, marketed,  
15 distributed, labeled and/or sold Tri-Methyl XTREME.

16 27. At all relevant times, Defendants were present and doing business in the State of  
17 California.

18 28. At all relevant times, Defendants transacted, solicited, and conducted business  
19 whether through retail stores or through internet merchants in the State of California and derived  
20 substantial revenue from such business.

21 29. At all relevant times, Defendant expected or should have expected that their acts  
22 would have consequences within the United States of America and within the State of California.

23 **PLAINTIFF FERNANDO DEL REAL**

24 30. At all relevant times, Plaintiff FERNANDO DEL REAL was a resident of the State  
25 of California.

26 31. Before purchasing Tri-Methyl XTREME and Liver Health, Plaintiff was exposed to  
27 the advertising and marketing of Tri-Methyl XTREME and Liver Health by Defendants. Plaintiff  
28 relied on the representations and warranties from Defendants made therein in making his decision

1 to purchase Tri-Methyl XTREME and Liver Health, believing they would be safe and effective for  
2 their advertised use and relying on the expertise of Defendants. Had Plaintiff known Tri-Methyl  
3 XTREME and Liver Health were not safe and not effective for their advertised use and that, in  
4 fact, Tri-Methyl XTREME was considered dangerous, he would not have purchased, ingested, or  
5 otherwise used the products as directed.

6 32. From on or about December 1, 2014 until his injuries in January 2015, Plaintiff  
7 ingested the recommended dosing of Tri-Methyl XTREME and Liver Health, which he purchased  
8 from Defendants PROFLEX, LLC and PROFLEX NUTRITION & SUPPLEMENTS, LLC, a  
9 dietary supplement store located in West Covina, CA.

10 33. On or about January 11, 2015, after developing jaundice and noticeable fatigue,  
11 Plaintiff was seen in the emergency room. At that time, Plaintiff also noted that he had light  
12 colored stool.

13 34. On or about January 18, 2015, Plaintiff developed intractable pruritus. His health  
14 continued to fail, and his resulting loss of appetite cause him to lose approximately thirty pounds  
15 over a very short period of time.

16 35. Plaintiff's health condition continued to deteriorate, and on February 14, 2015 he  
17 was hospitalized. His doctors noted that he was in acute renal failure and performed a liver  
18 biopsy, which revealed severe cholestasis with bile duct damage and focal bile duct loss.

19 36. As a result of his failing health, Plaintiff was forced to miss time from work, and  
20 suffered from severe pain, nausea, weakness and fatigue.

21 37. Plaintiff was advised by his treating physicians that the cause of his illness was  
22 defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND NEW  
23 ENERGY, LLC; EXTREME PRODUCTS LLC; PROFLEX, LLC; PROFLEX NUTRITION &  
24 SUPPLEMENTS, LLC; DARREN HOUSHOLDER aka DARREN COLTON; DIANNE  
25 HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON; and DOES 1-10's Tri-Methyl  
26 XTREME supplement.

27 38. Defendants PROFLEX, LLC, PROFLEX NUTRITION & SUPPLEMENTS, LLC  
28 and VIT LABS, INC. and DOES 11-15's Liver Health supplement did not act to "detoxify" and

1 “cleanse” his liver as advertised, and contributed to his disease.

2 **FACTUAL BACKGROUND**

3 39. Tri-Methyl XTREME was marketed as a nutritional supplement. However, Tri-  
4 Methyl XTREME is a potent and dangerous prohormone/anabolic steroid compound.

5 40. Tri-Methyl XTREME contains dangerous chemicals and prohormone/anabolic  
6 steroids including but not limited to 5a-androstan-2, 3-epithio-17a-methyl, 17b-ol and 2,17a-  
7 methyl-5a-androsta-1-en-17b-ol-3-one (Methylstenbolone), dangerous substances known to  
8 defendants 5 D’S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND NEW  
9 ENERGY, LLC; EXTREME PRODUCTS LLC; PROFLEX, LLC; PROFLEX NUTRITION &  
10 SUPPLEMENTS, LLC; DARREN HOUSHOLDER aka DARREN COLTON; DIANNE  
11 HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON; and DOES 1-10 to cause  
12 adverse health effects, including cholestasis, liver damage, renal failure, cholestatic jaundice, toxic  
13 hepatitis, adverse effects on cholesterol levels, increased risk of heart attack and stroke, and short  
14 stature in children.

15 41. Defendants 5 D’S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND  
16 NEW ENERGY, LLC; EXTREME PRODUCTS LLC; PROFLEX, LLC; PROFLEX  
17 NUTRITION & SUPPLEMENTS, LLC; DARREN HOUSHOLDER aka DARREN COLTON;  
18 DIANNE HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON; and DOES 1-10  
19 manufactured/ sold/ supplied/ and marketed Tri-Methyl XTREME as a workout nutritional  
20 supplemental claiming that it is “an intense testosterone boosting formula unlike any other,” that  
21 “it is a reformulated version of the extremely potent Tri Methyl X Anabolic Stack,” that “Tri-  
22 Methyl XTREME works in 3 powerful ways to raise testosterone levels, increase strength and then  
23 promote that sought after lean dry look,” and that “the ingredients in Tri-Methyl XTREME are  
24 synergistically designed to complement each other and give results like you have never  
25 experienced before.”

26 42. Prohormones/anabolic steroids are processed by the liver.

27 43. By December, 1973, Defendants 5 D’S, LLC; 6 RINGS, LLC; BRAND NEW  
28 ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS LLC; PROFLEX,

1 LLC; PROFLEX NUTRITION & SUPPLEMENTS, LLC; DARREN HOUSHOLDER aka  
2 DARREN COLTON; DIANNE HOUSEHOLDER aka DIANNE COLTON; LUCAS  
3 THOMPSON; and DOES 1-10 knew or should have known Tri-Methyl XTREME and/or its  
4 components including but not limited to 5a-androstan-2, 3-epithio-17a-methyl, 17b-ol (Epistane)  
5 and 2,17a-methyl-5a-androsta-1-en-17b-ol-3-one (Methylstenbolone) could cause cholestasis,  
6 liver damage, renal failure, cholestatic jaundice, toxic hepatitis, and other disease, as published  
7 medical literature demonstrated the link between anabolic steroids and cholestasis, liver damage  
8 and other disease. By 2014, multiple studies on the topic had been published, and defendants 5  
9 D’S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND NEW ENERGY, LLC;  
10 EXTREME PRODUCTS LLC; PROFLEX, LLC; PROFLEX NUTRITION & SUPPLEMENTS,  
11 LLC; DARREN HOUSHOLDER aka DARREN COLTON; DIANNE HOUSEHOLDER aka  
12 DIANNE COLTON; LUCAS THOMPSON; and DOES 1-10 knew or should have known that  
13 “designer” anabolic steroids, such as those comprising Tri-Methyl XTREME, are dangerous.

14 44. On May 29, 2014, H.R. 4771: Designer Anabolic Steroid Control Act of 2014 was  
15 introduced by the U.S. Congress. Congressman Joseph R. Pitts (PA-16) introduced this bill to the  
16 House of Representatives, noting “[w]hen taken by consumers, designer steroids, which are Class  
17 III controlled substances, can cause serious medical harm, including liver injury and increased risk  
18 of heart attack and stroke. They may also lead to aggression, hostility, and addiction.”

19 45. On December 18, 2014, President Obama signed into law the “Designer Anabolic  
20 Steroid Control Act of 2014,” which explicitly banned products containing prohormones/anabolic  
21 steroids, including Tri-Methyl XTREME, as of January, 2015.

22 46. Despite the information regarding the upcoming ban, and the known dangers of the  
23 product dating back at least as far as 1973, defendants 5 D’S, LLC; 6 RINGS, LLC; BRAND  
24 NEW ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS LLC;  
25 PROFLEX, LLC; PROFLEX NUTRITION & SUPPLEMENTS, LLC; DARREN  
26 HOUSHOLDER aka DARREN COLTON; DIANNE HOUSEHOLDER aka DIANNE COLTON;  
27 LUCAS THOMPSON; and DOES 1-10 brazenly continued to manufacture, sell, distribute, and  
28 market Tri-Methyl XTREME. Defendants 5 D’S, LLC; 6 RINGS, LLC; BRAND NEW

1 ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS LLC; PROFLEX,  
2 LLC; PROFLEX NUTRITION & SUPPLEMENTS, LLC; DARREN HOUSHOLDER aka  
3 DARREN COLTON; DIANNE HOUSEHOLDER aka DIANNE COLTON; LUCAS  
4 THOMPSON; and DOES 1-10 did not recall the product or otherwise adequately warn of the  
5 dangers associated with the product, despite knowing that consumers such as Plaintiff Del Real  
6 had purchased said product, and were using the product without knowledge of the dangers therein.

7 47. The Food and Drug Administration (“FDA”) issued a press release on April 13,  
8 2015 calling on consumers to stop using Tri-Methyl XTREME because it has been linked to  
9 serious liver injury. The FDA further explained that it had received several adverse event reports  
10 relating to individuals who have used Tri-Methyl XTREME and that it was launching an  
11 investigation to identify the product’s manufacturers.

12 48. The FDA further cautioned that anabolic steroids may cause severe physical  
13 injuries, stating:

14 Liver injury is generally known to be a possible outcome of using products that contain  
15 synthetic anabolic steroids, and steroid-like substances. In general, anabolic steroids may  
16 cause other serious long-term consequences, including adverse effects on cholesterol  
17 levels; increased risk of heart attack and stroke; masculinization of women; shrinkage of  
18 the testicles in men; breast enlargement; infertility in males; and short stature in children.

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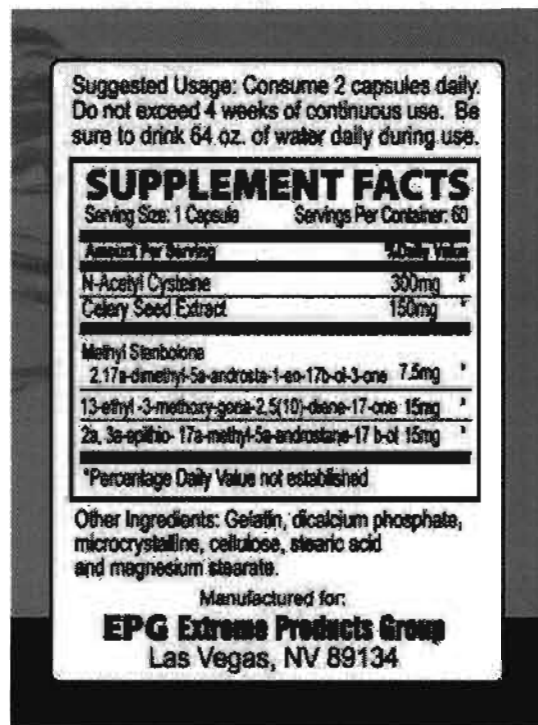
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1 49. Tri-Methyl XTREME contains the following ingredients as depicted in its labels:  
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50. Tri-Methyl XTREME was sold through retailers in California and across the country and online.

51. Liver Health is manufactured / formulated/ packaged/ distributed/ sold by defendants VIT LABS, INC., PROFLEX LLC and PROFLEX NUTRITION & SUPPLEMENTS, LLC as a nutritional supplement “designed to help support healthy liver functions by cleansing and detoxifying impurities and accumulated toxins.” Liver Health is labeled as a “liver cleanser and detoxifier.” Liver Health is sold through retailers in California and across the country and online.

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1 **FIRST CAUSE OF ACTION**

2 **NEGLIGENCE**

3 52. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
4 though set forth in full in this cause of action.

5 53. At all times herein mentioned, Defendants, and each of them, had a duty to exercise  
6 reasonable care in the research, development, testing for safety, formulation, manufacture, hiring  
7 of and use of qualified scientific or medical personnel, labeling, packaging, promotion,  
8 advertising, marketing, distribution, sale, and otherwise releasing into the stream of commerce Tri-  
9 Methyl XTREME and Liver Health.

10 54. Defendants, and each of them, breached their duty of reasonable care to Plaintiff in  
11 that they negligently designed, developed, manufactured, tested, inspected, packaged, promoted,  
12 marketed, distributed, labeled and/or sold Tri-Methyl XTREME and Liver Health. Specifically,  
13 Defendants failed to exercise reasonable care in ways which included, but were not limited to, one  
14 or more of the following particulars:

15 a) In their failure to warn or instruct and/or adequately warn or adequately instruct the  
16 public and consumers, including Plaintiff herein, of the dangerous and defective  
17 characteristics of Tri-Methyl XTREME and Liver Health and their components;

18 b) In their failure to warn or instruct and/or adequately warn or adequately instruct the  
19 public and consumers, including Plaintiff herein, of the propensity of Tri-Methyl  
20 XTREME, and its components, to cause side effects, serious injury and death;

21 c) In their failure to adequately conduct and represent the result of clinical trials  
22 before marketing Tri-Methyl XTREME and Liver Health, and their components;

23 d) In representing that Tri-Methyl XTREME was safe and effective for its intended  
24 use when, in fact, the product was unsafe for its intended use;

25 e) In representing that Liver Health was effective for its intended use, when in fact, it  
26 was not;

27 f) In failing to perform appropriate, reliable and valid pre-marketing testing of Tri-  
28 Methyl XTREME and Liver Health, and their components;

- 1 g) In failing to perform appropriate post-market testing of Tri-Methyl XTREME and  
2 Liver Health and their components;
- 3 h) In failing to disclose to consumers and Plaintiff adverse events received from FDA  
4 by users of Tri-Methyl XTREME and its components; and
- 5 i) In failing to perform appropriate post-market surveillance of Tri-Methyl XTREME,  
6 Liver Health, and their components.

7 55. Defendants, and each of them, knew or should have known that consumers, such as  
8 Plaintiff herein, would foreseeably suffer injury as a result of Defendants' failure to exercise  
9 reasonable and ordinary care.

10 56. As a direct and proximate result of Defendants' carelessness and negligence, and of  
11 the unreasonably dangerous and defective characteristics of Tri-Methyl XTREME and Liver  
12 Health, Plaintiff suffered severe and permanent injuries. Plaintiff endured substantial conscious  
13 pain and suffering, both physical and emotional in nature. Plaintiff incurred significant expenses  
14 for medical care and treatment, suffered lost wages and earnings, and was otherwise physically,  
15 emotionally, and economically injured. Plaintiff suffered severe pecuniary loss. The injuries and  
16 damages alleged herein are permanent and will continue into the future.

17 **SECOND CAUSE OF ACTION**

18 **STRICT PRODUCTS LIABILITY—DESIGN DEFECT**

19 57. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
20 though set forth in full in this cause of action.

21 58. At all times material to this action, Defendants, and each of them, were responsible  
22 for designing, developing, manufacturing, testing, packaging, promoting, marketing, distributing,  
23 labeling, and/or selling, directly and indirectly, through third parties or related entities the dietary  
24 supplements Tri-Methyl XTREME and Liver Health, which are defective and unreasonably  
25 dangerous to users and/or consumers of the drug, including Plaintiff.

26 59. At all times material to this action, Tri-Methyl XTREME and Liver Health were  
27 designed, developed, manufactured, tested, packaged, promoted, marketed, distributed, labeled,  
28 and/or sold by the respective Defendants in a defective and unreasonably dangerous conditions in



1 ways which included, but were not limited to, one or more of the following particulars:

- 2 a) When placed in the stream of commerce, the drugs contained unreasonably  
3 dangerous design defects and were not reasonably safe and fit for their intended or  
4 reasonably foreseeable purpose or as intended to be used, thereby subjected users and/or  
5 consumers of the drug, including Plaintiff, to risks which exceeded the benefits of the  
6 drug;
- 7 b) Tri-Methyl XTREME contained dangerous anabolic steroids, including, but not  
8 limited to, 5a-androstan-2, 3-epithio-17a-methyl, 17b-ol (Epistane) and 2,17a-methyl-5a-  
9 androsta-1-en-17b-ol-3-one (Methylstenbolone);
- 10 c) The drugs did not perform as safely as an ordinary consumer would have expected  
11 them to perform when used in an intended or reasonably foreseeable way;
- 12 d) The drugs were insufficiently tested;
- 13 e) The drugs caused harmful side effects that outweighed any potential utility;
- 14 f) The drugs were more dangerous than other dietary supplements on the market; and
- 15 g) The drugs were not accompanied by adequate labeling or instructions for use to  
16 fully apprise the public and consumers, including Plaintiff, of the potential risks and  
17 serious side effects associated with their use.

18 60. In light of the potential and actual risk of harm associated with the drugs' use, a  
19 reasonable person who had actual knowledge of this potential risk of harm would have concluded  
20 Tri-Methyl XTREME and Liver Health should not have been marketed in that condition.

21 61. There existed safer alternative designs, but Defendants chose to market a more  
22 dangerous design.

23 62. At all times relevant herein, Defendants knew that Tri-Methyl XTREME and Liver  
24 Health would be purchased by members of the general public and would be used by such  
25 purchasers without a prescription and without any inspections for defects, and would rely upon the  
26 representations made by Tri-Methyl XTREME and Liver Health on the product label and in their  
27 marketing including public and direct statements, and promotional and sales materials.

28 ///



- 1 a) They contained warnings insufficient to alert consumers, including Plaintiff herein,  
2 of the dangerous risks and reactions associated with Tri-Methyl XTREME and the  
3 comparative severity, duration and the extent of the risks and reactions;
- 4 b) They contained warnings insufficient to alert consumers, including Plaintiff herein,  
5 of the lack of efficacy of Liver Health;
- 6 c) They contained warnings insufficient to alert consumers, including Plaintiff herein,  
7 of the propensity to cause a substantial increased risk of serious bodily harm;
- 8 d) They contained warnings insufficient to alert consumers, including Plaintiff herein,  
9 of the dangerous drug-drug interactions and food-drug interactions;
- 10 e) The warnings that were given by Defendants were not accurate, clear, and/or were  
11 ambiguous; and
- 12 f) Plaintiff was assured that the products were safe for their intended use.

13 70. Plaintiff would not have discovered any defect in Tri-Methyl XTREME or Liver  
14 Health through the exercise of reasonable care.

15 71. Defendants, as manufacturers, sellers, and/or distributors of Tri-Methyl XTREME  
16 and Liver Health, are held to the level of knowledge of an expert in the field.

17 72. Plaintiff reasonably relied on the skill, superior knowledge, and judgment of  
18 Defendants.

19 73. Defendants had a continuing duty to warn Plaintiff of the dangers associated with  
20 the use of Tri-Methyl XTREME and Liver Health.

21 74. Plaintiff used Tri-Methyl XTREME and Liver Health for their intended purpose as  
22 nutritional supplements.

23 75. Had Plaintiff received adequate warnings regarding the risks of Tri-Methyl  
24 XTREME and Liver Health, Plaintiff would not have used them.

25 76. As a direct and proximate result of the defective and inappropriate warnings of the  
26 unreasonably dangerous and defective characteristics of Tri-Methyl XTREME and Liver Health,  
27 Plaintiff suffered injuries as set forth above.

28 ///

1 **FOURTH CAUSE OF ACTION**  
2 **BREACH OF EXPRESS WARRANTY**

3 77. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
4 though set forth in full in this cause of action.

5 78. At all times material to this action, Defendants expressly warranted that Tri-Methyl  
6 XTREME and Liver Health were safe, effective and fit for use by consumers and users, including  
7 Plaintiff, for their intended use, that they were of merchantable quality, that they did not produce  
8 dangerous side effects, and that they were adequately tested and fit for their intended purposes.

9 79. Specifically, in reference to research funded by defendants 5 D'S, LLC; 6 RINGS,  
10 LLC; BRAND NEW ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS  
11 LLC; PROFLEX, LLC; PROFLEX NUTRITION & SUPPLEMENTS, LLC; DARREN  
12 HOUSHOLDER aka DARREN COLTON; DIANNE HOUSHOLDER aka DIANNE COLTON;  
13 LUCAS THOMPSON; and DOES 1-10, they represented on their website and through their  
14 advertising that:

- 15 a) "Tri-Methyl XTREME 3.15 by Extreme Performance Group EPG is an intense  
16 testosterone boosting formula unlike any other."  
17 b) "Tri Methyl XTREME is a reformulated version of the extremely potent Tri Methyl  
18 X Anabolic Stack."  
19 c) "Tri-Methyl XTREME 3.15 works in powerful ways to raise testosterone levels,  
20 increase strength and the[sic] promote that sought after lean dry look."  
21 d) "The ingredients in Tri-Methyl XTREME are synergistically designed to  
22 complement each other and give results like you have never experienced before."  
23 e) "Tri-Methyl XTREME Maximum formula is powerful."  
24 f) "There is no doubt that if you like Superdrol, Epistane and Orastan-E, then you will  
25 absolutely be in love with the results you achieve from EPG's TriMethyl Xtreme 3.15."  
26 g) "Tri Methyl Xtreme is brought to you by Extreme Performance Group (EPG); a  
27 company dedicated to bringing only the best products to the market. EPG takes pride in  
28 everything they produce, from the packaging down to the very last grains of ingredients.

1 EPG uses only the most effective, highest quality ingredients to ensure optimal result.”

2 h) “Tri-Methyl XTREME 3.15 contains 15 mg, not just 10 mg, of 3 potent and proven  
3 anabolic compounds. These compounds are combined with a Testosterone Boosting  
4 Complex and the added benefit of Vanadyl Sulfate and Tribulus Terrestris. Vanadyl  
5 Sulfate is known to increase glucose uptake to your muscles and thereby help you bulk up  
6 faster. Vanadyl Sulfate is a well known inorganic compound of vanadium. It is commonly  
7 found in food supplements and used for it’s[sic] ability to mimic insulin inside the body.  
8 Insulin is a hormone present in the human body which helps regulate energy levels and  
9 glucose metabolism.”

10 i) Tribulus Terrestris is found in Tri-Methyl Xtreme and comes from a flowering  
11 plant that is found mostly in warmer climates. Tribulus Terrestris is used in a variety of  
12 supplements and has been shown to increase sex drive by increasing the natural  
13 testosterone levels inside the body. Taking tribulus terrestris consistently can also promote  
14 muscle, endurance and strength gains. A proprietary blend of tribulus and long jack has  
15 been added to Tri Methyl Xtreme to ensure natural testosterone levels are balanced during  
16 and after the cycle.”

17 j) “TriMethyl EXTREME[sic] 3.15 is an extremely potent stack, and is only intended  
18 for those who can dedicate themselves to bulking up over the course of the cycle.  
19 TriMethyl XTREME will vastly increase your strength, speed up your recovery time and  
20 cause your body to rapidly synthesize protein. For these reasons, before taking Tri Methyl  
21 XTREME 3.15, make sure you have the desire to take advantage of these benefits. You’re  
22 going to be lifting heavier and longer, and you’ll be able to do it more often. Also, while  
23 taking an anabolic stack like Tri Methyl XTREME, the rule is: the more calories the better  
24 and keep your protein intake high.”

25 80. At the time of making these and other warranties with respect to the safety,  
26 efficacy, testing and characteristics of Tri-Methyl XTREME, Defendants knew or should have  
27 known that despite the above and other warranties alleged herein, anabolic steroids cause:

28 a) An increased the risk of cardiovascular disease or coronary artery disease;

- 1           b)     High blood pressure;
- 2           c)     Alterations in the structure of the heart, such as enlargement and thickening of the
- 3           left ventricle potentially resulting in hypertension, cardiac arrhythmia, congestive heart
- 4           failure, heart attacks, and sudden cardiac death;
- 5           d)     Gynecomastia in men;
- 6           e)     Kidney damage;
- 7           f)     Liver damage;
- 8           g)     Testicular atrophy in men;
- 9           h)     Cholestasis; and
- 10          i)     Increased risk of prostate cancer in men.

11           81.     Specifically, in reference to research funded by Defendants VIT LABS, INC.,  
12     PROFLEX, LLC, and PROFLEX NUTRITION & SUPPLEMENTS, LLC; and DOES 11-15, they  
13     represented on their website, direct communications, and through their advertising that:

- 14          a)     Liver Health would “detoxify” and “cleanse” the liver;
- 15          b)     Liver Health “is a superior blend of herbs and nutrients designed to help support
- 16                healthy liver functions by cleansing and detoxifying impurities and accumulated
- 17                toxins;” and
- 18          c)     Liver Health would prevent liver damage and harm.

19           82.     At the time of making these warranties and other similar warranties, Defendants  
20     knew or should have known that, in fact, the representations and warranties were false,  
21     misleading, and untrue in that Tri-Methyl XTREME and Liver Health were not safe, effective, or  
22     fit for use by consumers and users, including Plaintiff, for their intended use, that they were not of  
23     merchantable quality, that they did produce dangerous side effects, and that they were not  
24     adequately tested or fit for their intended purpose.

25           83.     Plaintiff reasonably relied upon the skill and judgment of Defendants, and upon  
26     said express warranties in using Tri-Methyl XTREME and Liver Health. As a result, Plaintiff  
27     used Tri-Methyl XTREME and Liver Health for their intended purposes.

28     ///







1 Liver Health. Defendants, and each of them, are liable for the acts of each and every "alternate  
2 entity," and each of them, in that there has been a virtual destruction of Plaintiff's remedy against  
3 each such "alternate entity"; Defendants, and each of them, have acquired the assets, product line,  
4 or a portion thereof, of each such "alternate entity"; such "alternate entity"; Defendants, and each  
5 of them, caused the destruction of Plaintiff's remedy against each such "alternate entity"; each  
6 such defendant has the ability to assume the risk-spreading role of each such "alternate entity";  
7 and that each such defendant enjoys the goodwill originally attached to each such "alternate  
8 entity."

9 96. At all times herein mentioned, Defendants, their "alternate entities," and each of  
10 them, were and/or are engaged in the business of researching, manufacturing, fabricating,  
11 designing, modifying, labeling, assembling, distributing, buying, offering for sale, supplying,  
12 selling, inspecting, marketing, warranting, re-branding, manufacturing for others, packaging and  
13 advertising a certain products, namely Tri-Methyl Xtreme and Liver Health.

14 97. At all times herein mentioned, defendants, their "alternate entities" and each of  
15 them, singularly and jointly, negligently and carelessly researched, manufactured, fabricated,  
16 designed, modified, tested or failed to test, warned or failed to warn of the health hazards, labeled,  
17 assembled, distributed, bought, offered for sale, supplied, sold, inspected, marketed, warranted, re-  
18 branded, manufactured for others, packaged and advertised, certain products, namely Tri-Methyl  
19 Xtreme and Liver Health, in that said products caused personal injuries to consumers, including  
20 Plaintiff, while being used in a manner that was reasonably foreseeable, thereby rendering said  
21 products unsafe and dangerous for use by Plaintiff.

22 98. Defendants, their "alternate entities," and each of them, had a duty to exercise due  
23 care in the pursuance of the activities mentioned above and Defendants, and each of them,  
24 breached said duty of due care.

25 99. Plaintiff has used Tri-Methyl Xtreme and Liver Health referred to herein in a  
26 manner that was reasonably foreseeable.

27 100. As a direct and proximate result of the conduct of the Defendants, their "alternate  
28 entities," and each of them, as aforesaid, Plaintiff's use of Tri-Methyl Xtreme and Liver Health

1 caused severe injuries to Plaintiff including but not limited to liver damage, cholestasis, renal  
2 failure, bile duct damage, and bile duct loss.

3 101. Plaintiff was not aware at the time of using Tri-Methyl Xtreme and Liver Health  
4 that they presented any risk of injury and/or disease.

5 102. As a direct and proximate result of the aforesaid conduct of Defendants, their  
6 "alternate entities," and each of them, Plaintiff has suffered, and continues to suffer, permanent  
7 injuries and/or future increased risk of injuries to his person, body and health, including, but not  
8 limited to, liver damage, cholestasis, renal failure, bile duct damage, and bile duct loss, and the  
9 mental and emotional distress attendant thereto, from the effects of Tri-Methyl Xtreme and Liver  
10 Health, all to his general damage in the sum in excess of the jurisdictional limits of a limited civil  
11 case in the Superior Court.

12 103. As a direct and proximate result of the aforesaid conduct of Defendants, their  
13 "alternate entities," and each of them, Plaintiff has incurred, is presently incurring, and will incur  
14 in the future, liability for physicians, surgeons, nurses, hospital care, medicine, hospices, x-rays  
15 and other medical treatment, the true and exact amount thereof being unknown to Plaintiff at this  
16 time, and Plaintiff prays leave to amend this complaint accordingly when the true and exact cost  
17 thereof is ascertained.

18 104. As a further direct and proximate result of the said conduct of Defendants, their  
19 "alternate entities," and each of them, Plaintiff has incurred, and will incur, loss of income, wages,  
20 profits and commissions, a diminishment of earning potential, and other pecuniary losses, the full  
21 nature and extent of which are not yet known to Plaintiff; and leave is requested to amend this  
22 complaint to conform to proof at the time of trial.

23 105. Defendants, their "alternate entities," and each of them, and their officers, directors  
24 and managing agents including DARREN HOUSHOLDER aka DARREN COLTON; DIANNE  
25 HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON and Mohamad El Moussaoui  
26 participated in, authorized, expressly and impliedly ratified, and had full knowledge of or should  
27 have knowledge of each of the acts set forth herein. The specific names, job titles, positions, or  
28 other identifying offices of said individuals are necessarily in possession of Defendants and full

1 information concerning the facts relevant to this controversy and Defendants, and each of them,  
2 have more knowledge or the identities of said persons than Plaintiff, herein.

3 106. At the aforementioned time when Defendants, their "alternate entities," and each of  
4 them, researched, manufactured, fabricated, designed, modified, tested or failed to test,  
5 inadequately warned or failed to warn, labeled, assembled, distributed, bought, offered for sale,  
6 supplied, sold, inspected, marketed, warranted, re-branded, manufactured for others, packaged and  
7 advertised Tri-Methyl Xtreme and Liver Health, as herein above set forth, Defendants, their  
8 "alternate entities," and each of them, expressly and impliedly represented to members of the  
9 general public, including the purchasers and users of said product, and other "exposed persons,"  
10 including Plaintiff herein, that Tri-Methyl Xtreme and Liver Health were of merchantable quality,  
11 effective, adequately tested, free of defects, and safe for the use for which they were intended.  
12 Said misrepresentations of such material facts impacting the safety, reliability, efficacy, and  
13 quality of Tri-Methyl Xtreme and Liver Health specifically included the failure to disclose known  
14 or suspected hazards of using Tri-Methyl Xtreme and Liver Health to Plaintiff and others.  
15 Defendants' misrepresentations went far beyond the bounds of mere promises because Defendants  
16 affirmatively stated through those means more fully described herein that Tri-Methyl Xtreme and  
17 Liver Health were safe and safe to use for their intended uses, but they were not safe. Defendants  
18 knew or should have known at the time of their misrepresentations that such representations were  
19 false; Defendants knew or should have known at the time of their misrepresentations that Tri-  
20 Methyl Xtreme and Liver Health were not safe or safe for their intended uses. Despite knowing of  
21 the dangers to Plaintiff of using Tri-Methyl Xtreme and Liver Health, Defendants failed to  
22 disclose such dangers and in fact concealed the same from Plaintiff Defendants'  
23 misrepresentations and concealment of the dangers attendant to using Tri-Methyl Xtreme and  
24 Liver Health occurred during such periods as Defendants researched, manufactured, fabricated,  
25 designed, modified, tested or failed to test, warned or failed to warn of the health hazards, labeled,  
26 assembled, distributed, bought, offered for sale, supplied, sold, inspected, marketed, warranted, re-  
27 branded, manufactured for others, packaged and advertised Tri-Methyl Xtreme and Liver Health.  
28 The facts misrepresented regarding the safety, reliability, and quality of Tri-Methyl Xtreme and

1 Liver Health are necessarily in possession of Defendants who have full information concerning the  
2 facts relevant to this controversy and Defendants, and each of them, have more knowledge or the  
3 facts of said misrepresentations than Plaintiff.

4 107. The purchasers and users of Tri-Methyl Xtreme and Liver Health, including  
5 Plaintiff, relied upon said representations of Defendants, their "alternate entities," and each of  
6 them, as Defendants, their "alternate entities," and each of them so intended.

7 108. Said representations by Defendants, their "alternate entities," and each of them,  
8 were false and untrue, and Defendants knew or should have known at the time they were untrue, in  
9 that Tri-Methyl Xtreme and Liver Health were not safe for their intended use, nor were they of  
10 merchantable quality as represented by Defendants, their "alternate entities," and each of them, in  
11 that Tri-Methyl Xtreme has very dangerous properties and defects whereby said products contains  
12 dangerous anabolic steroids and causes increased risk of cardiovascular disease or coronary artery  
13 disease, high blood pressure, cholestasis, bile duct damage, alternations in the structure of the  
14 heart, gynecomastia in men, kidney damage, liver damage and failure, testicular atrophy in men,  
15 and increased risk of prostate cancer, and that Liver Health was ineffective in "cleansing" or  
16 "detoxifying" the liver.

17 109. Defendants, their "alternate entities," and each of them, based on the state of  
18 scientific and medical literature, as well as their own studies and research conducted regarding the  
19 health hazards associated with using Tri-Methyl Xtreme and Liver Health had no reasonable basis  
20 for believing the untrue representations made to Plaintiff and other consumers.

21 110. Plaintiff and others, lacking the sophistication and knowledgeable regarding the  
22 health hazards of using Tri-Methyl Xtreme and Liver Health relied upon the said  
23 misrepresentations and were, in fact, deceived into believing that Tri-Methyl Xtreme and Liver  
24 Health were safe, effective, and free of defects and would not cause severe risk of injury. Had  
25 Plaintiff known that Tri-Methyl Xtreme and Liver Health were unsafe for their intended uses,  
26 Plaintiff would not have used and/or worked around the same or taken other steps to properly  
27 safeguard his health.

28 ///



1 because defendants affirmatively stated through those means more fully described herein that Tri-  
2 Methyl Xtreme and Liver Health were effective, safe and safe to use for their intended uses, but  
3 they were not safe. Defendants knew at the time of their misrepresentations that such  
4 representations were false; Defendants knew at the time of their misrepresentations that the  
5 supplements were not safe or safe for their intended uses. Despite knowing of the dangers to  
6 Plaintiff of consuming Tri-Methyl Xtreme and Liver Health, Defendants failed to disclose such  
7 dangers and in fact concealed the same from Plaintiff. Defendants' misrepresentations and  
8 concealment of the dangers attendant to using Tri-Methyl Xtreme and Liver Health occurred  
9 during such periods as Defendants researched, manufactured, fabricated, designed, modified,  
10 tested or failed to test, warned or failed to warn of the health hazards, labeled, assembled,  
11 distributed, bought, offered for sale, supplied, sold, inspected, marketed, warranted, re-branded,  
12 manufactured for others, packaged and advertised Tri-Methyl Xtreme and Liver Health. The mere  
13 fact that Defendants made Tri-Methyl Xtreme and Liver Health and available for purchase, use,  
14 sale, or otherwise to Plaintiff and others was an intentional and affirmative fraudulent act. With  
15 intent to deceive, falsely represent facts regarding the true hazards of using Tri-Methyl XTREME  
16 and Liver Health, and purposefully failing to disclose such material facts to Plaintiff, and others in  
17 Plaintiff's position, and with the intent that Plaintiff and such others should be and remain  
18 ignorant of such facts with intent to induce Plaintiff and such others to alter his and their positions  
19 to his detriment, injury and/or risk and in order to gain economic advantages within the market,  
20 the following acts occurred:

- 21 a) Defendants, their "alternate entities," and each of them, did not label Tri-Methyl  
22 Xtreme and Liver Health regarding the hazards of such products to the health and safety of  
23 Plaintiff and others. By not labeling such materials as to their said hazards, Defendants,  
24 their "alternate entities," and each of them, caused to be suggested as a fact to Plaintiff that  
25 they were safe for Plaintiff to use when in fact it was not true and Defendants, their  
26 "alternate entities," and each of them, did not believe it to be true;
- 27 b) Defendants, their "alternate entities," and each of them, suppressed information  
28 relating to the danger of use of Tri-Methyl Xtreme and Liver Health by requesting the

1 suppression of information to Plaintiff and the general public concerning the dangerous  
2 nature of Tri-Methyl Xtreme, Liver Health, and their components, by not allowing such  
3 information to be disseminated in a manner which would given general notice to the public  
4 and knowledge of the hazardous nature thereof when Defendants, their "alternate entities,"  
5 and each of them, were bound to disclose such information;

6 c) Defendants, their "alternate entities," and each of them, sold Tri-Methyl Xtreme  
7 and Liver Health to Plaintiff and others without advising Plaintiff and others of the dangers  
8 of use of such products when Defendants, their "alternate entities," and each of them, knew  
9 of such dangers, and had a duty to disclose such dangers all as set forth herein. By said  
10 conduct, Defendants, their "alternate entities," and each of them, caused to be positively  
11 asserted to Plaintiff that which was not true and that which Defendants, their "alternate  
12 entities," and each of them, had no reasonable ground for believing to be true, to wit, that it  
13 was safe for Plaintiff to use Tri-Methyl Xtreme and Liver Health;

14 d) Defendants, their "alternate entities," and each of them, failed to warn Plaintiff and  
15 others of the nature of Tri-Methyl Xtreme which contained anabolic steroids, was  
16 dangerous when ingested, and which could cause severe injuries despite the fact that  
17 Defendants, their "alternate entities," and each of them, possessed knowledge and were  
18 under a duty to disclose that Tri-Methyl Xtreme was dangerous and a threat to the health of  
19 persons who ingested it;

20 e) Defendants, their "alternate entities," and each of them, promised that Liver Health  
21 was an effective product, that it would in fact cleanse and detoxify the liver, and that it  
22 would perform as indicated; and

23 f) Defendants DARREN HOUSHOLDER aka DARREN COLTON; DIANNE  
24 HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON; 5 D'S, LLC; 6  
25 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND NEW ENERGY, LLC;  
26 EXTREME PRODUCTS LLC, and DOES 1-10 intentionally and with intent to deceive the  
27 general public and Plaintiff formed various fictional corporate entities, including  
28 defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND NEW

1 ENERGY, LLC; EXTREME PRODUCTS LLC, and DOES 5-10. Defendants DARREN  
2 HOUSHOLDER aka DARREN COLTON; DIANNE HOUSEHOLDER aka DIANNE  
3 COLTON; LUCAS THOMPSON; 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW  
4 ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS LLC, and  
5 DOES 1-10 created these and other corporate shells in order to avoid liability, hide assets  
6 among and between the entities, and to deceive the public and Plaintiff into believing that  
7 Tri-Methyl XTREME was manufactured by a reputable company with adequate  
8 capitalization, stock, stockholders, physical presence, and contact information.

9 116. Defendants, their "alternate entities," and each of them, based on the state of  
10 scientific and medical literature, as well as their own studies and research conducted regarding the  
11 health hazards associated with using Tri-Methyl Xtreme and Liver Health, knew that the  
12 representations made to Plaintiff and other consumers were false.

13 117. Defendants, their "alternate entities," and each of them, having such  
14 aforementioned knowledge, and the duty to inform Plaintiff about the true facts, and knowing  
15 Plaintiff did not possess such knowledge and would use Tri-Methyl Xtreme and Liver Health,  
16 acted falsely and fraudulently and with full intent to cause Plaintiff to remain unaware of the true  
17 facts and to induce Plaintiff to use Tri-Methyl Xtreme and Liver Health by failing to disclose  
18 known information regarding health hazards, all in violation of Sections 1708, 1709, 1710, and  
19 1711 of the Civil Code of the State of California in an expectation of further sales and proceeds  
20 from the supply of Tri-Methyl Xtreme and Liver Health.

## 21 **EIGHTH CAUSE OF ACTION**

### 22 **UNLAWFUL BUSINESS ACTS AND PRACTICES IN VIOLATION OF CALIFORNIA**

#### 23 **BUSINESS AND PROFESSIONS CODE SECTION 17200 *et seq.***

24 118. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
25 though set forth in full in this cause of action.

26 119. California Business and Professions Code § 17200 prohibits any "unfair, deceptive,  
27 untrue or misleading advertising." For the reasons discussed above, Defendants have engaged in  
28 unfair, deceptive, untrue and misleading advertising in violation of California Business and



1 Professions Code § 17200, specifically including but not limited to promoting Tri-Methyl  
2 XTREME and Liver Health as safe and effective, when in fact Tri-Methyl XTREME and Liver  
3 Health are neither safe nor effective.

4 120. California Business and Professions Code § 17200 also prohibits any “unlawful  
5 business act or practice.” Defendants have violated § 17200’s prohibition against engaging in  
6 unlawful acts and practices by, inter alia, making the representations and omissions of material  
7 facts, as set forth more fully herein, and violating California Civil Code §§ 1572, 1573, 1709,  
8 1710, 1770, California Business and Professions Code § 17200 *et seq.*, California Health and  
9 Safety Code §§ 110660, 110760, 110765, the DSHEA (Pub. L. No. 103-417, 108 Stat. 4325  
10 (1994)), 21 U.S.C. § 343, 21 U.S.C. § 379aa-1, 15 U.S.C. § 45(A)(1), 49 Fed. Reg. 30999 (Aug. 2,  
11 1984), Federal Food, Drug and Cosmetic Act § 402(f)(1)(A) (21 U.S.C. §342), and the common  
12 law.

13 121. Plaintiff reserves the right to allege other violations of law which constitute other  
14 unlawful business acts or practices. Such conduct is ongoing and continues to this date.

15 122. California Business and Professions Code § 17200 also prohibits “unfair ...  
16 business act or practice.”

17 123. Defendants’ acts, omissions, misrepresentations, practices and non-disclosures as  
18 alleged herein also constitute “unfair” business acts and practices within the meaning of California  
19 Business and Professions Code § 17200 *et seq.* in that their conduct is substantially injurious to  
20 consumers, offends public policy, and is immoral, unethical, oppressive and unscrupulous as the  
21 gravity of the conduct outweighs any alleged benefits attributable to such conduct.

22 124. As stated in this Complaint, Plaintiff alleges violations of consumer protection,  
23 unfair competition, and truth-in-advertising laws in California and other states resulting in harm to  
24 consumers. Plaintiff asserts violation of the public policy against engaging in false and misleading  
25 advertising, unfair competition and deceptive conduct towards consumers. This conduct  
26 constitutes violations of the unfair prong of California Business and Professions Code § 17200 *et*  
27 *seq.*

28 ///

1           125. There were reasonably available alternatives to further Defendants' legitimate  
2 business interests, other than the conduct described herein.

3           126. California Business and Professions Code § 17200 also prohibits any "fraudulent  
4 business act or practice."

5           127. Defendants' claims, nondisclosure and misleading statements, as more fully set  
6 forth above, were false, misleading and/or likely to deceive the consuming public within the  
7 meaning of California Business and Professions Code § 17200.

8           128. Defendants DARREN HOUSHOLDER aka DARREN COLTON; DIANNE  
9 HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON; 5 D'S, LLC; 6 RINGS, LLC;  
10 BRAND NEW ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS LLC,  
11 and DOES 1-10 also intentionally conducted fraudulent business practices by forming various  
12 fictional corporate entities, including Defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW  
13 ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS LLC, and DOES 5-  
14 10. Defendants DARREN HOUSHOLDER aka DARREN COLTON; DIANNE  
15 HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON; 5 D'S, LLC; 6 RINGS, LLC;  
16 BRAND NEW ENERGY, INC.; BRAND NEW ENERGY, LLC; EXTREME PRODUCTS LLC  
17 and DOES 1-10 created these and other corporate shells in order to avoid liability, hide assets  
18 among and between the entities, and to deceive the public and Plaintiff into believing that Tri-  
19 Methyl XTREME was manufactured by a reputable company with adequate capitalization, stock,  
20 stockholders, physical presence, and contact information. In fact, the activities and business of  
21 defendants 5 D'S, LLC, 6 RINGS, LLC, BRAND NEW ENERGY, INC., BRAND NEW  
22 ENERGY, LLC, EXTREME PRODUCTS GROUP, LLC, and DOES 5-10 were carried out  
23 without the holding of Directors or Shareholders meetings, without adequate capitalization, and no  
24 records or minutes of any corporate proceedings were maintained. Defendants DARREN  
25 HOUSHOLDER aka DARREN COLTON, DIANNE HOUSEHOLDER aka DIANNE COLTON,  
26 LUCAS THOMPSON, and DOES 1-4 entered into personal transactions without the approval of  
27 other directors or shareholders and used assets from defendants 5 D'S, LLC, 6 RINGS, LLC,  
28 BRAND NEW ENERGY, INC., BRAND NEW ENERGY, LLC, EXTREME PRODUCTS

1 GROUP, LLC, and DOES 5-10 for their own personal use.

2 129. Defendants' conduct caused and continues to cause substantial injury to Plaintiff  
3 and other consumers. Plaintiff has suffered injury as a result of Defendants' unfair conduct.

4 130. Defendants have thus engaged in unlawful, unfair, and fraudulent business acts and  
5 practices and false advertising, entitling Plaintiff to judgment and equitable relief against  
6 Defendants, as set forth in the Prayer for Relief.

7 131. Additionally, pursuant to California Business and Professions Code § 17203,  
8 Plaintiff seeks an order requiring Defendants to immediately cease such acts of unlawful, unfair  
9 and fraudulent business practices, and requiring Defendants to engage in a corrective advertising  
10 campaign, including notification of Tri-Methyl XTREME and Liver Health's inefficacy and health  
11 risks.

#### 12 **PUNITIVE DAMAGES ALLEGATIONS**

13 132. Plaintiff incorporates by reference each and every paragraph of this Complaint as  
14 though set forth in full in this cause of action.

15 133. At all times material to this action, Defendants knew that the use of Tri-Methyl  
16 XTREME could result in the development of serious harm and death, and that use of Liver Health  
17 is ineffective and dangerous. Additionally, Defendants knew that the use of Tri-Methyl XTREME  
18 and Liver Health would cause certain susceptible users to suffer serious injury and death,  
19 including Plaintiff.

20 134. At all times material hereto, Defendants engaged in conduct that constitutes malice,  
21 oppression or fraud, including without limitation the misrepresentations, warranties and omissions  
22 set forth above.

23 135. Defendants continued to aggressively market Tri-Methyl XTREME and its  
24 anabolic components parts, and Liver Health to consumers, including Plaintiff, without disclosing  
25 the fact that use of the supplements could result in the development of serious injuries, that they  
26 were ineffective, that Tri-Methyl XTREME was known to cause serious liver damage and other  
27 physical injuries, and that Liver Health would do nothing to detoxify or cleanse the liver. They  
28 did so knowing that their failure to reveal the probable consequences of ingesting Tri-Methyl

1 XTREME and Liver Health would seriously injure or kill consumers, including Plaintiff, in order  
2 to make a profit and in so doing they acted with malice.

3 136. Defendants went further than failing to warn of Tri-Methyl XTREME and Liver  
4 Health's defective and dangerous nature. They intentionally and falsely represented and  
5 warranted that Tri-Methyl XTREME and Liver Health were safe when they knew that, in fact, Tri-  
6 Methyl XTREME and Liver Health were unsafe and posed a serious risk of injury to consumers,  
7 including Plaintiff. They further concealed the true risks of Tri-Methyl XTREME and Liver  
8 Health as alleged herein. In so doing, they acted with fraud.

9 137. Defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND  
10 NEW ENERGY, LLC; EXTREME PRODUCTS LLC; PROFLEX, LLC; PROFLEX  
11 NUTRITION & SUPPLEMENTS, LLC; DARREN HOUSHOLDER aka DARREN COLTON;  
12 DIANNE HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON; and DOES 1-10  
13 continued to sell, and failed to recall, Tri-Methyl XTREME despite substantial medical and  
14 scientific literature regarding the dangers associated with anabolic steroids, and the ban imposed  
15 by the Anabolic Steroid Control Act of 2014. Defendants concealed the true nature of Tri-Methyl  
16 XTREME as an anabolic steroid, instead marketing and selling the dangerous product as a  
17 nutritional supplement.

18 138. Defendants 5 D'S, LLC; 6 RINGS, LLC; BRAND NEW ENERGY, INC.; BRAND  
19 NEW ENERGY, LLC; EXTREME PRODUCTS LLC; PROFLEX, LLC; PROFLEX  
20 NUTRITION & SUPPLEMENTS, LLC; DARREN HOUSHOLDER aka DARREN COLTON;  
21 DIANNE HOUSEHOLDER aka DIANNE COLTON; LUCAS THOMPSON; and DOES 1-10  
22 intentionally and fraudulently formed various corporate entities without adequate capitalization,  
23 and no records or minutes of any corporate proceedings were maintained. These shell  
24 corporations were formed to avoid liabilities, hide assets, and to mislead and deceive the public  
25 and Plaintiff. Defendants' conduct above is therefore despicable and oppressive.

26 139. Defendants' acts of malice, oppression, and fraud were on the part of corporate  
27 officers, directors, or managing agents, identified above, or were on the part of employees and  
28 were ratified or authorized by Defendants.

1 140. Defendants' intentional and/or reckless failure to disclose information deprived  
2 Plaintiff of necessary information to enable Plaintiff to weigh the true risks of Tri-Methyl  
3 XTREME and Liver Health against the benefits in making his decision to use them.

4 141. As a direct and proximate result of Defendants' conscious and deliberate disregard  
5 for the rights and safety of consumers and their corporate fraud, Plaintiff suffered severe injury  
6 and loss. Plaintiff seeks actual and punitive damages from Defendants as alleged herein.

7 142. The aforesaid conduct of Defendants was committed with knowing, conscious, and  
8 deliberate disregard for the rights and safety of consumers, including Plaintiff herein, thereby  
9 entitling Plaintiff to punitive damages in an amount appropriate to punish Defendants and deter  
10 them from similar conduct in the future.

11  
12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff requests a jury trial and prays for judgment as follows:

14 a) As to all Causes of Action and all Defendants, damages to the Plaintiff according to  
15 proof including as applicable:

16 i) Past and future medical and care expenses of Plaintiff according to proof;

17 ii) Past and future loss of earnings (and/or profits) of Plaintiff according to  
18 proof;

19 iii) Other economic loss.

20 b) As to all Causes of Action and all Defendants, non-economic damages according to  
21 proof, including as applicable:

22 i) Compensation for physical pain and discomfort;

23 ii) Compensation for fright, nervousness, anxiety, worry, and apprehension;

24 c) As to all Causes of Action and all Defendants, awarding pre-judgment and post-  
25 judgment interest to the Plaintiff according to proof;

26 d) As to all Causes of Action and all Defendants, awarding reasonable costs to the  
27 Plaintiff as provided by law;

28 ///

1 e) As to Cause of Action VIII, awarding declaratory and injunctive relief as permitted  
2 by law or equity, including enjoining Defendants from continuing the unlawful practices as set  
3 forth herein;

4 f) As to Cause of Action VIII, ordering Defendants to engage in a corrective  
5 advertising campaign and dissolution of the fraudulent corporate entities;

6 g) As to Causes of Action I-VII, awarding Plaintiff punitive and treble damages;

7 h) As to all Causes of Action and all Defendants, granting all such other relief as the  
8 Court deems necessary, just and proper.

9  
10 Dated: January 8, 2016

**KELLER, FISHBACK & JACKSON LLP**

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