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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

[REDACTED], Individually and
on Behalf of All Others Similarly
Situated,

Case o

Plaintiff,

**COMPLAINT FOR
VIOLATION OF THE
FEDERAL SECURITIES LAWS**

21

v

OSI SYSTEMS, INC., DEEPAK
CHOPRA, and ALAN I. EDRICK,

Defendants.

DEMAND FOR JURY TRIAL

:

Plaintiff [REDACTED] (“Plaintiff”), individually and on behalf of all other persons similarly situated, by his undersigned attorneys, for his complaint against defendants, alleges the following based upon personal knowledge as to himself and his own acts, and information and belief as to all other matters, based upon, *inter alia*, the investigation conducted by and through his attorneys, which included, among other things, a review of the defendants’ public documents, conference calls and announcements made by defendants, United States Securities and Exchange Commission (“SEC”) filings, wire and press releases published by and regarding OSI Systems, Inc. (“OSI Systems” or the “Company”), analysts’ reports and advisories about the Company, and information readily obtainable on the Internet.

NATURE OF THE ACTION

1. This is a federal securities class action on behalf of a class consisting of all persons other than defendants who purchased or otherwise acquired OSI Systems securities between January 24, 2012 and December 6, 2013, both dates inclusive (the “Class Period”), seeking to recover damages caused by defendants’ violations of the federal securities laws and to pursue remedies under § 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5 promulgated thereunder against the Company and certain of its top officials.

1 2. OSI Systems produces medical monitoring and anesthesia systems;
2 security and inspection systems; and lasers, optics, and optoelectronic
3 components. The Company's products include blood pressure monitors,
4 anesthesia machines and hemoglobin saturation monitors; systems for inspecting
5 baggage, people, and vehicles; and lasers, lenses, prisms, and microelectronic
6 components.
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9 3. One of the Company's largest customers is the United States
10 Department of Homeland Security and the Transportation Security Administration
11 ("TSA"), who use the Company's security imaging products in administering
12 mandatory security checkpoints and passenger screenings in U.S. airports.
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15 4. Throughout the Class Period, Defendants made materially false and
16 misleading statements regarding the Company's business, operational and
17 compliance policies. Specifically, Defendants made false and/or misleading
18 statements and/or failed to disclose that: (i) the Company manipulated operational
19 test of its Advanced Imaging Technology by selectively picking the best sensors
20 causing the test not to be representative of the scanners already deployed at
21 airports; (ii) the Company's products raised strong privacy concerns and were
22 subject to disqualification for use in airport security checkpoints; (iii) the
23 Company manufactured its products with parts that directly violated contracts
24 with the TSA, thereby risking cancellation of the contracts; and, (iv) as a result of
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1 the above, the Company's financial statements were materially false and
2 misleading at all relevant times.
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4 5. On November 14, 2012, after the market closed, various news
5 sources, including *Bloomberg News* reported that a key congressman disclosed the
6 Company may have committed fraud by "knowingly manipulating" the results of
7 an operational test in connection with the Company's Advanced Imaging
8 Technology ("AIT"), otherwise commonly known as body scanners. Moreover,
9 *Bloomberg News* cited to an executive vice president of the Company who
10 revealed that its Rapiscan unit had received a so-called "show cause" letter from
11 the Transportation Security Administration ("TSA") on November 9, 2012
12 seeking detailed information about the testing of technology used in its body
13 scanners.
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18 6. On this news, OSI Systems shares declined \$21.40 per share or 28%,
19 to close at \$54.89 per share on November 15, 2012.
20

21 7. On January 22, 2013, the TSA reported that it had ended its contract
22 with the Company, and that furthermore OSI Systems will have to bear the costs
23 of removing all Rapiscan full body scanners from airports, because TSA
24 administrators concluded the company could not meet a congressional deadline to
25 produce generic passenger images.
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1 8. On this news, the Company's shares fell \$14.03 per share to \$57.33,
2 a one day decline of over 19%.

3
4 9. On May 20, 2013, the Company reported that the Department of
5 Homeland Security had issued a "notice of proposed debarment" to OSI Systems,
6 for the purpose of barring further use of the Company's full-body Rapiscan full
7 body scanners. The reasoning behind the proposed bar were concerns that the
8 scanners revealed naked images of travelers bodies.

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11 10. On this news, OSI Systems shares fell \$8.05 per share to \$53.25, a
12 decline of over 13%.

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14 11. Then, on December 6, 2013, the United States Transportation
15 Security Administration canceled a \$60 million deal for the company's carry-on
16 baggage screening equipment, with the possibility of a future ban on contracting
17 with the Department of Homeland Security. The reason for the canceled contract
18 and future ban is that a part in the company's baggage scanning machine was
19 manufactured in China, violating TSA security policies.

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22 12. On this news, the Company's shares fell \$21.69 per share to \$43.63,
23 a one day decline of over 33% per share on volume of nearly 8 million shares.

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25 13. As a result of defendants' wrongful acts and omissions, and the
26 precipitous decline in the market value of the Company's securities, Plaintiff and
27 other Class members have suffered significant losses and damages.

1 Systems' common stock trades on the NASDAQ Stock Market ("NASDAQ")
2 under the ticker symbol "OSIS."
3

4 20. Defendant Deepak Chopra ("Chopra") was, at all relevant times, the
5 Company's Chairman of the Board of Directors, President and Chief Executive
6 Officer.
7

8 21. Defendant Alan I. Edrick ("Edrick") was, at all relevant times, the
9 Company's Chief Financial Officer and Executive Vice President.
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11 22. The defendants referenced above in ¶¶ 20 and 21 are sometimes
12 referred to herein as the "Individual Defendants."
13

14 **SUBSTANTIVE ALLEGATIONS**

15 **Background**

16 23. OSI Systems is a vertically integrated provider of specialized
17 electronic systems and components that attempt to meet needs in the homeland
18 security, healthcare, defense, and aerospace industries.
19

20 **Materially False and Misleading** 21 **Statements Issued During the Class Period**

22 24. On January 24, 2012, the Company issued a press release announcing
23 financial results for the quarter ended December 31, 2011. Specifically, the
24 Company reported net income of \$12 million, or \$0.61 diluted earnings per share
25 ("EPS"), and revenue of \$188 million as compared to net income of \$9 million, or
26 \$0.47 diluted EPS, and revenue of \$169 million for the same period a year ago.
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1 25. On January 25, 2012, OSI Systems filed a quarterly report for the
2 period ended December 31, 2011 on Form 10-Q with the SEC, which was signed
3 by Defendants Chopra and Edrick and reiterated the Company's previously
4 announced financial results. In addition, the Form 10-Q contained signed
5 certifications pursuant to the Sarbanes-Oxley Act of 2002 ("SOX") by Defendants
6 Chopra and Edrick stating that the information contained in the Form 10-Q was
7 accurate and disclosed any material changes to the Company's internal control
8 over financial reporting.
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12 26. On April 24, 2012, the Company issued a press release announcing
13 financial results for the quarter ended March 31, 2012. For the quarter, the
14 Company reported net income of \$13 million, or \$0.62 diluted EPS, and revenue
15 of \$208 million as compared to net income of \$9 million, or \$0.45 diluted EPS,
16 and revenue of \$175 million for the same period a year ago.
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20 27. On April 25, 2012, OSI Systems filed a quarterly report for the
21 period ended March 31, 2012 on Form 10-Q with the SEC, which was signed by
22 Defendants Chopra and Edrick, and reiterated the Company's previously
23 announced financial results. In addition, the Form 10-Q contained signed
24 certifications pursuant to SOX by Defendants Chopra and Edrick stating that the
25 information contained in the Form 10-Q was accurate and disclosed any material
26 changes to the Company's internal control over financial reporting.
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1 28. On August 9, 2012, the Company issued a press release announcing
2 financial results for year ended June 30, 2012. For the quarter, the Company
3 reported net income of \$16 million, or \$0.78 diluted EPS, and revenue of \$235
4 million as compared to net income of \$12 million, or \$0.61 diluted EPS, and
5 revenue of \$183 million for the same period a year ago. For the year, the
6 Company reported net income of \$46 million, or \$2.24 diluted EPS, and revenue
7 of \$793 million as compared to net income of \$33 million, or \$1.71 diluted EPS,
8 and revenue of \$656 million for the same period a year ago.
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12 29. On August 13, 2012, OSI Systems filed an annual report for the
13 period ended June 30, 2012 on Form 10-K with the SEC, which was signed by,
14 among others, Defendants Chopra and Edrick and reiterated the Company's
15 previously announced financial results. In addition, the Form 10-K contained
16 signed certifications pursuant to SOX by Defendants Chopra and Edrick stating
17 that the information contained in the Form 10-Q was accurate and disclosed any
18 material changes to the Company's internal control over financial reporting.
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22 30. On October 23, 2012, the Company issued a press release
23 announcing financial results for quarter ended September 30, 2012. For the
24 quarter, the Company reported net income of \$6 million, or \$0.31 diluted EPS,
25 and revenue of \$182 million, as compared to net income of \$5 million, or \$0.24
26 diluted EPS, and revenue of \$161 million for the same period a year ago.
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1 31. On October 24, 2012, OSI Systems filed a quarterly report for the
2 period ended September 30, 2012 on Form 10-Q with the SEC, which was signed
3 by Defendants Chopra and Edrick and reiterated the Company's previously
4 announced financial results. In addition, the Form 10-Q contained signed
5 certifications pursuant to SOX by Defendants Chopra and Edrick stating that the
6 information contained in the Form 10-Q was accurate and disclosed any material
7 changes to the Company's internal control over financial reporting.
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11 32. The statements referenced in ¶¶ 24-31 above were materially false
12 and/or misleading because they misrepresented and failed to disclose the
13 following adverse facts, which were known to defendants or recklessly
14 disregarded by them, including that: (i) the Company manipulated operational test
15 of its Advanced Imaging Technology by selectively picking the best sensors
16 causing the test not to be representative of the scanners already deployed at
17 airports; (ii) the Company's products raised strong privacy concerns and were
18 subject to disqualification for use in airport security checkpoints; (iii) the
19 Company manufactured its products with parts that directly violated contracts
20 with the TSA, thereby risking cancellation of the contracts; and, (iv) as a result of
21 the above, the Company's financial statements were materially false and
22 misleading at all relevant times.
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1 Rapiscan became aware of an issue related to software under development
2 months ago and promptly notified the TSA, Kant said. The Company is
3 fully cooperating with the agency's investigation, which doesn't relate to
4 software that detects anomalies on passengers' bodies, Kant said.
5 Passenger safety was never affected, he said.

6 Show-cause letters are sent when the government believes a contractor isn't
7 complying with terms, said Gordon, the former federal procurement
8 administrator. It's a last chance for the company to demonstrate it hasn't
9 violated the contract, he said.

10 34. On November 15, 2012, the Company responded by disclosing the
11 following in relevant part:

12 OSI Systems, Inc., a vertically-integrated provider of specialized electronics
13 and services, announced today that on November 9, 2012 Rapiscan
14 Systems, its Security division, was delivered a show cause letter from the
15 U.S. Transportation Security Administration (TSA). The letter, which
16 pertains to a privacy system Rapiscan was developing under contract for the
17 TSA, alleges that Rapiscan did not disclose issues related to the
18 development process in a timely or complete manner. Contrary to some
19 press reports, Rapiscan did not falsify test data; in fact, TSA testimony to
20 Congress today confirms that this was at all times a government controlled
21 test and that Rapiscan could not have manipulated any test data.

22 Furthermore, the evidence shows that Rapiscan delivered for testing the
23 exact configuration previously disclosed to TSA and which TSA had
24 approved.

25 "At no time did Rapiscan Systems falsify test data or engage in any
26 fraudulent conduct," OSI Systems President and CEO, Deepak Chopra,
27 commented. "We take the matter very seriously and are fully cooperating
28 with the TSA during this process."

35. On this news, OSI Systems stock dropped \$21.40 per share or nearly
28% to close at \$54.89 per share on November 15, 2012.

1 36. On November 16, 2012, an analyst at Benchmark wrote a note stating
2
3 the following in relevant part:

4 While we strongly agree that the company did not and could not have
5 manipulated any test data, due to the fact that the TSA was in control of the
6 product for the entirety of testing, it appears the company may have made
7 some “grey area” changes to the product that delivered for testing. As it
8 turns out, the [Automated Threat Recognition] software tested by TSA this
9 summer required OSI’s “photo detectors” to have a minimal amount of
10 what they call “drift” in order to pass through the testing properly. When
11 manufactured not all these “photo detector” components have the same
12 amount of “drift,” with some having more than others; however, this was
13 not a problem in the AIT machines whose more revealing output images
14 would be viewed by a human. The problem was, the computerized ATR
15 software required detectors with minimal “drift,” so to solve this OSI
16 simply manually selected the best “photo detectors” that came off the
17 manufacturing line to put in the three AIT units sent for testing. These
18 scanners passed the testing, but when TSA wanted to fully deploy the new
19 ATR software, it was told that all the 250 deployed OSI scanners would
20 need to be upgraded to “minimal drift” photo detectors (or retested with
21 software that could work with lower-quality detectors). So, while the
22 headline that OSI “faked” a body scanner test is false, it does appear that
23 the company “cherry picked” sensors that made the test not representative
24 of the scanners currently deployed at airports. We understand why TSA
25 would be upset with this, particularly if not informed of the difference
26 between the test units and the overall deployed inventory in a timely
27 fashion, and hypothesize the dispute largely comes from the sensors having
28 the same “SKU” regardless of drift, resulting in a bit of a gray area change,
in our view.

37. On January 22, 2013, the TSA reported that it had ended its software
contract with the Company, and that furthermore OSI Systems will have to bear
the costs of removing all the Rapiscan full body scanners from airports, because
TSA administrators concluded the company couldn’t meet a congressional
deadline to produce more generic passenger images.

1 38. On this news, the Company's shares fell \$14.03 per share to \$57.33,
2
3 a one day decline of over 19%.

4 39. Later, on May 20, 2013, the Company reported that the Department
5 of Homeland Security had issued a "notice of proposed debarment" to OSI
6 Systems, for the purpose of barring further use of the Company's Rapiscan full
7 body scanners. The reasoning behind the proposed bar were concerns that the
8 scanners revealed naked images of travelers' bodies.
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11 40. OSI Systems shares fell \$8.05 per share to \$53.25, a decline of over
12 13%, after this news was released.
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14 41. Thereafter, on December 6, 2013, the United States Transportation
15 Security Administration canceled a \$60 million deal for the company's carry-on
16 baggage screening equipment, and indicated that the Company may face a future
17 ban on contracting with the Department of Homeland Security. The reason for the
18 canceled contract and future ban is that a part in the company's baggage scanning
19 machine was manufactured in China, against TSA security policies.
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22 42. On this news the Company's shares fell \$21.69 per share to \$43.63, a
23 one day decline of over 33% per share on volume of nearly 8 million shares.
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1 45. Plaintiff's claims are typical of the claims of the members of the
2 Class as all members of the Class are similarly affected by defendants' wrongful
3 conduct in violation of federal law that is complained of herein.
4

5 46. Plaintiff will fairly and adequately protect the interests of the
6 members of the Class and has retained counsel competent and experienced in class
7 and securities litigation. Plaintiff has no interests antagonistic to or in conflict
8 with those of the Class.
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11 47. Common questions of law and fact exist as to all members of the
12 Class and predominate over any questions solely affecting individual members of
13 the Class. Among the questions of law and fact common to the Class are:
14

- 15 • whether the federal securities laws were violated by defendants'
16 acts as alleged herein;
- 17 • whether statements made by defendants to the investing public
18 during the Class Period misrepresented material facts about the
19 business, operations and management of OSI Systems;
- 20 • whether the Individual Defendants caused OSI Systems to issue
21 false and misleading financial statements during the Class Period;
- 22 • whether defendants acted knowingly or recklessly in issuing false
23 and misleading financial statements;
- 24 • whether the prices of OSI Systems securities during the Class
25 Period were artificially inflated because of the defendants'
26 conduct complained of herein; and
- 27 • whether the members of the Class have sustained damages and, if
28 so, what is the proper measure of damages.

1 48. A class action is superior to all other available methods for the fair
2 and efficient adjudication of this controversy since joinder of all members is
3 impracticable. Furthermore, as the damages suffered by individual Class
4 members may be relatively small, the expense and burden of individual litigation
5 make it impossible for members of the Class to individually redress the wrongs
6 done to them. There will be no difficulty in the management of this action as a
7 class action.
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11 49. Plaintiff will rely, in part, upon the presumption of reliance
12 established by the fraud-on-the-market doctrine in that:
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- 14 • defendants made public misrepresentations or failed to disclose
15 material facts during the Class Period;
- 16 • the omissions and misrepresentations were material;
- 17 • OSI Systems securities are traded in an efficient market;
- 18 • the Company's shares were liquid and traded with moderate to
19 heavy volume during the Class Period;
- 20 • the Company traded on the NASDAQ and was covered by
21 multiple analysts;
- 22 • the misrepresentations and omissions alleged would tend to
23 induce a reasonable investor to misjudge the value of the
24 Company's securities; and
- 25 • Plaintiff and members of the Class purchased, acquired and/or
26 sold OSI Systems securities between the time the defendants
27 failed to disclose or misrepresented material facts and the time the
28 true facts were disclosed, without knowledge of the omitted or
misrepresented facts.

1 under which they were made, not misleading; and employed devices, schemes and
2 artifices to defraud in connection with the purchase and sale of securities. Such
3 scheme was intended to, and, throughout the Class Period, did: (i) deceive the
4 investing public, including Plaintiff and other Class members, as alleged herein;
5 (ii) artificially inflate and maintain the market price of OSI Systems securities;
6 and (iii) cause Plaintiff and other members of the Class to purchase or otherwise
7 acquire OSI Systems securities and options at artificially inflated prices. In
8 furtherance of this unlawful scheme, plan and course of conduct, defendants, and
9 each of them, took the actions set forth herein.
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14 55. Pursuant to the above plan, scheme, conspiracy and course of
15 conduct, each of the defendants participated directly or indirectly in the
16 preparation and/or issuance of the quarterly and annual reports, SEC filings, press
17 releases and other statements and documents described above, including
18 statements made to securities analysts and the media that were designed to
19 influence the market for OSI Systems securities. Such reports, filings, releases
20 and statements were materially false and misleading in that they failed to disclose
21 material adverse information and misrepresented the truth about OSI Systems'
22 finances and business prospects.
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26 56. By virtue of their positions at OSI Systems, defendants had actual
27 knowledge of the materially false and misleading statements and material
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1 omissions alleged herein and intended thereby to deceive Plaintiff and the other
2 members of the Class, or, in the alternative, defendants acted with reckless
3 disregard for the truth in that they failed or refused to ascertain and disclose such
4 facts as would reveal the materially false and misleading nature of the statements
5 made, although such facts were readily available to defendants. Said acts and
6 omissions of defendants were committed willfully or with reckless disregard for
7 the truth. In addition, each defendant knew or recklessly disregarded that material
8 facts were being misrepresented or omitted as described above.
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12 57. Defendants were personally motivated to make false statements and
13 omit material information necessary to make the statements not misleading in
14 order to personally benefit from the sale of OSI Systems securities from their
15 personal portfolios.
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18 58. Information showing that defendants acted knowingly or with
19 reckless disregard for the truth is peculiarly within defendants' knowledge and
20 control. As the senior managers and/or directors of OSI Systems, the Individual
21 Defendants had knowledge of the details of OSI Systems' internal affairs.
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24 59. The Individual Defendants are liable both directly and indirectly for
25 the wrongs complained of herein. Because of their positions of control and
26 authority, the Individual Defendants were able to and did, directly or indirectly,
27 control the content of the statements of OSI Systems. As officers and/or directors
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1 of a publicly-held company, the Individual Defendants had a duty to disseminate
2 timely, accurate, and truthful information with respect to OSI Systems'
3 businesses, operations, future financial condition and future prospects. As a result
4 of the dissemination of the aforementioned false and misleading reports, releases
5 and public statements, the market price of OSI Systems securities was artificially
6 inflated throughout the Class Period. In ignorance of the adverse facts concerning
7 OSI Systems' business and financial condition which were concealed by
8 defendants, Plaintiff and the other members of the Class purchased or otherwise
9 acquired OSI Systems securities at artificially inflated prices and relied upon the
10 price of the securities, the integrity of the market for the securities and/or upon
11 statements disseminated by defendants, and were damaged thereby.

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17 60. During the Class Period, OSI Systems securities were traded on an
18 active and efficient market. Plaintiff and the other members of the Class, relying
19 on the materially false and misleading statements described herein, which the
20 defendants made, issued or caused to be disseminated, or relying upon the
21 integrity of the market, purchased or otherwise acquired shares of OSI Systems
22 securities at prices artificially inflated by defendants' wrongful conduct. Had
23 Plaintiff and the other members of the Class known the truth, they would not have
24 purchased or otherwise acquired said securities, or would not have purchased or
25 otherwise acquired them at the inflated prices that were paid. At the time of the
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1 purchases and/or acquisitions by Plaintiff and the Class, the true value of OSI
2 Systems securities was substantially lower than the prices paid by Plaintiff and the
3 other members of the Class. The market price of OSI Systems securities declined
4 sharply upon public disclosure of the facts alleged herein to the injury of Plaintiff
5 and Class members.
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8 61. By reason of the conduct alleged herein, defendants knowingly or
9 recklessly, directly or indirectly, have violated Section 10(b) of the Exchange Act
10 and Rule 10b-5 promulgated thereunder.
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12 62. As a direct and proximate result of defendants' wrongful conduct,
13 Plaintiff and the other members of the Class suffered damages in connection with
14 their respective purchases, acquisitions and sales of the Company's securities
15 during the Class Period, upon the disclosure that the Company had been
16 disseminating misrepresented financial statements to the investing public.
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19
20 **COUNT II**

21 **(Violations of Section 20(a) of the**
22 **Exchange Act Against The Individual Defendants)**

23 63. Plaintiff repeats and realleges each and every allegation contained in
24 the foregoing paragraphs as if fully set forth herein.
25

26 64. During the Class Period, the Individual Defendants participated in the
27 operation and management of OSI Systems, and conducted and participated,
28 directly and indirectly, in the conduct of OSI Systems' business affairs. Because

1 of their senior positions, they knew the adverse non-public information about OSI
2 Systems' misstatement of income and expenses and false financial statements.
3

4 65. As officers and/or directors of a publicly owned company, the
5 Individual Defendants had a duty to disseminate accurate and truthful information
6 with respect to OSI Systems' financial condition and results of operations, and to
7 correct promptly any public statements issued by OSI Systems which had become
8 materially false or misleading.
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11 66. Because of their positions of control and authority as senior officers,
12 the Individual Defendants were able to, and did, control the contents of the
13 various reports, press releases and public filings which OSI Systems disseminated
14 in the marketplace during the Class Period concerning OSI Systems' results of
15 operations. Throughout the Class Period, the Individual Defendants exercised
16 their power and authority to cause OSI Systems to engage in the wrongful acts
17 complained of herein. The Individual Defendants therefore, were "controlling
18 persons" of OSI Systems within the meaning of Section 20(a) of the Exchange
19 Act. In this capacity, they participated in the unlawful conduct alleged which
20 artificially inflated the market price of OSI Systems securities.
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25 67. Each of the Individual Defendants, therefore, acted as a controlling
26 person of OSI Systems. By reason of their senior management positions and/or
27 being directors of OSI Systems, each of the Individual Defendants had the power
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1 to direct the actions of, and exercised the same to cause, OSI Systems to engage in
2 the unlawful acts and conduct complained of herein. Each of the Individual
3 Defendants exercised control over the general operations of OSI Systems and
4 possessed the power to control the specific activities which comprise the primary
5 violations about which Plaintiff and the other members of the Class complain.
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8 68. By reason of the above conduct, the Individual Defendants are liable
9 pursuant to Section 20(a) of the Exchange Act for the violations committed by
10 OSI Systems.
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12 **PRAYER FOR RELIEF**

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14 **WHEREFORE**, Plaintiff demands judgment against defendants as follows:

15 A. Determining that the instant action may be maintained as a class
16 action under Rule 23 of the Federal Rules of Civil Procedure, and certifying
17 Plaintiff as the Class representative;
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19 B. Requiring defendants to pay damages sustained by Plaintiff and the
20 Class by reason of the acts and transactions alleged herein;
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22 C. Awarding Plaintiff and the other members of the Class prejudgment
23 and post-judgment interest, as well as their reasonable attorneys' fees, expert fees
24 and other costs; and
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26 D. Awarding such other and further relief as this Court may deem just
27 and proper.
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DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury

Dated: December 12, 2013

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