1 2 3 4 5	TODD SPITZER, DISTRICT ATTORNEY COUNTY OF ORANGE, STATE OF CALIFOR DIRAN H. TASHJIAN, DEPUTY DISTRICT A 300 N. FLOWER STREET SANTA ANA, CALIFORNIA 92703 TELEPHONE: (714) 834-3600 EMAIL: diran.tashjian@ocdapa.org	
6 7	Attorneys for Plaintiff, The People of the State of California	
8	IN THE SUPERIOR COURT OF	
9	IN THE SUPERIOR COURT OF	
10	IN AND FOR THE CO West K.C.	
11	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	HUE UENTER
12	THE PEOPLE OF THE STATE OF	CASE NO.: 30-2023-01331633-CU-BT-WJC
13	CALIFORNIA,	CASE NO.: SOLOLISTOISTOSSOODTANJO
14	Plaintiff, vs.	ASSIGNED FOR ALL PURPOSES TO: Judge Sheila Recio
15	vo.	COMPLAINT FOR CIVIL PENALTIES
16 17	ARIAN MOWLAVI, M.D., an individual; A.M. COSMETIC SURGERY CLINICS, INC. a California corporation;	AND INJUNCTIVE RELIEF FOR VIOLATION OF BUSINESS & PROFESSIONS CODE SECTIONS
18	ANDREW JOSEPH REYES, an individual; LAGUNA SURGERY INSTITUTE, LLC, a	17200 AND 17500
19	California company;	Elling East Example (C, 4, C, 1, 0, (102))
20	LOUIS JAMES GARDNER, an individual;	Filing Fees Exempt (Gov't Code § 6103)
21	DOES 1-10;	
22	Defendants.	
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1 The People of the State of California, by and through Todd Spitzer, District Attorney 2 for the County of Orange, based on information and belief, hereby alleges as follows: 3 **INTRODUCTION** 1. This case stems from the unlawful and unfair business practices, and false and 4 5 misleading advertising, relating to medical procedures offered and performed by the 6 Defendants named herein, and the additional DOE defendants whose identity is not yet known. 7 2. The People allege that, in so doing, Defendants engaged in unlawful, unfair, and 8 fraudulent business practices and in false and/or misleading advertising, in violation of 9 California's False Advertising and Unfair Competition Laws. (Cal. Bus. & Prof. Code §§ 17200 & 17500 et seq.) This action seeks civil penalties, restitution, and injunctive relief 10 against Defendants for these violations. 11 12 PLAINTIFF 13 3. Todd Spitzer, as District Attorney of the County of Orange, by Diran H. 14 Tashjian, Deputy District Attorney, acting to protect the public from unfair, unlawful and 15 fraudulent business practices, bring this action in the public interest on behalf of the People. 16 As such, the Plaintiff in this action includes the People of the State of California (hereinafter, 17 the "Plaintiff" or the "People"). 4. 18 Pursuant to Business and Professions Code sections 17203, 17204, and 17206, 19 Prosecutors may bring a civil action in the name of the People of the State of California to 20 enjoin any person who engages, has engaged, or proposes to engage in unfair competition, as 21 defined in California Business and Professions Code section 17200, and to seek civil penalties for each unlawful act or act of unfair competition. 22 5. 23 The violations of law alleged hereinafter described have been carried out wholly 24 or in part within the County of Orange. The alleged actions of Defendant, as set out below, are 25 in violation of the laws and public policies of the State of California and are inimical to the 26 rights and interests of the general public. Unless enjoined and restrained by an order of the 27 Court, Defendant may continue to engage in the unlawful acts and courses of conduct set out herein. 28

1	6. Plaintiff brings this action without prejudice to any other action or claim which
2	Plaintiff may have based on separate, independent and unrelated violations arising out of
3	matters or allegations not set forth in this Complaint.
4	DEFENDANTS
5	7. ARIAN MOWLAVI, M.D. (Physician's and Surgeon's Certificate No. A
6	85870) (hereinafter "MOWLAVI"), a physician duly licensed to practice medicine in
7	California, held himself out to possess the degree of skill, ability, and learning common to
8	prudent practitioners practicing medicine in California. The Medical Board of California
9	issued Physician's and Surgeon's Certificate A 85870 to MOWLAVI on or about February 4,
10	2004. On September 8, 2022, pursuant to a Stipulated Settlement and Disciplinary Order
11	adopted as the Decision and Order of the Medical Board of California, MOWLAVI's
12	Certificate to practice medicine was suspended for 90 days beginning October 7, 2022 as part
13	of a probation agreement. The probation placed on MOWLAVI is effective for ten years after
14	October 7, 2022, and requires MOWLAVI's compliance with various terms and conditions as
15	set forth in the Stipulated Settlement and Disciplinary Order in Case No. 800-2018-048259, to
16	avoid revocation of Certificate A 85870.
17	8. DOES 1 through 5 were physicians duly licensed to practice medicine in
18	California, and each of them held himself or herself out to possess that degree of skill, ability,
19	and learning common to prudent practitioners practicing medicine in California.
20	9. A.M. COSMETIC SURGERY CLINICS, INC. dba COSMETIC PLASTIC
21	SURGERY INSTITUTE (hereinafter "CPSI"), is a California corporation with the principal
22	place of business located at 32406 Coast Highway, Laguna Beach, CA, and registered as an
23	outpatient surgery center. As of 2022, Arian Mowlavi is identified as the Chief Executive
24	Officer, Secretary, Chief Financial Officer, and Director per CPSI's Statement of Information
25	filed with the Secretary of State.
26	10. LAGUNA SURGERY INSTITUTE, LLC (hereinafter "LSI"), a California
27	limited liability company with the principal place of business located at 32406 Coast Highway,
28	Laguna Beach, CA, and registered as a outpatient surgery center. LSI has been in existence

since 2015, and the Secretary of State File No. for LSI is 201500310005. LSI's Articles of
 Organization states that all limited liability company members will manage LSI. MOWLAVI is
 identified as the sole manager and/or member of LSI, and is identified as the Chief Executive
 Officer of LSI in its Statement of Information filed in 2023.

5 11. ANDREW JOSEPH REYES (hereinafter "REYES"), LOUIS JAMES
6 GARDNER (hereinafter "GARDNER"), and DOES 6 through 10, were employees and/or
7 agents of Defendants CPSI, and LSI.

8 12. Plaintiff alleges that at all relevant times herein, REYES, GARDNER, and
9 DOES 6-10, were employees and/or agents of Defendants CPSI and LSI, while MOWLAVI
10 maintained a significant, if not sole, management and ownership interest in CPSI and LSI.

Plaintiff is ignorant of the true names and capacities of Defendants sued herein
 as DOES 1-10, inclusive, and therefore sues these Defendants by such fictitious names.
 Plaintiff will amend this complaint to allege their true names and capacities when ascertained.

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JURISDICTION AND VENUE

15 14. At the relevant time period in this case, Defendants performed medical
procedures, transacted business, entered into contracts, and controlled a place of business in the
County of Orange, in the State of California. Defendants' advertisement of services – was
generated in, disseminated through, and viewed by potential patients, including people located
in the County of Orange, in the State of California. The conduct in violation of the statutory
authorities as alleged herein occurred in the County of Orange, in the State of California.

Jurisdiction and venue are proper in this Court pursuant to California Code of
 Civil Procedure Section 395 and 395.5 because conduct giving rise to liability occurred in the
 County of Orange, including but not limited to the outpatient surgery center located 32406
 Coast Highway, Laguna Beach, CA, and other medical facilities and hospitals within the
 County of Orange, in the State of California. This Court further has jurisdiction pursuant to
 article 6, section 10, of the California Constitution.

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1	GENERAL ALLEGATIONS	
2	16. On a daily basis, for at least four years leading up to the filing of this complaint,	
3	Defendant MOWLAVI maintained a cosmetic/plastic surgery practice at CPSI and LSI located	
4	at 32406 Coast Highway, Laguna Beach, CA. MOWLAVI, through CPSI and/or LSI,	
5	employed REYES, GARDNER, and DOES 6-10, as employees, independent contractors,	
6	and/or agents. MOWLAVI maintained direct and supervisory authority over REYES,	
7	GARDNER, DOES 6 through 10, and all other employees and/or agents of CPSI and/or LSI.	
8	17. On a daily basis, for at least four years leading up to the filing of this complaint,	
9	Defendants MOWLAVI, and DOES 1-5, authorized, instructed, and permitted REYES,	
10	GARDNER, and DOES 6-10, to perform pre-operative care, medical procedures and surgeries,	
11	and related post-operative care at CPSI and/or LSI. In doing so, MOWLAVI, and DOES 1-5,	
12	aided and abetted REYES, GARDNER, and DOES 6-10, in performing procedures only	
13	licensed individuals may perform, in direct violation of Business and Professions Code section	
14	2052(b). REYES', GARDNER's, and DOES 6-10's performance of pre-operative care,	
15	medical procedures and surgeries, and related post-operative care at CPSI and LSI on a daily	
16	basis, for at least four years leading up to the filing of this complaint, constitutes the unlicensed	
17	practice of medicine in violation of Business and Professions Code section 2052(a).	
18	18. On a daily basis, for at least four years leading up to the filing of this complaint,	
19 20	Defendants MOWLAVI, REYES, GARDNER, and DOES 1-10, also engaged in unlawful	
	business practices through the following acts:	
21 22	a. removed the clothing of potential patients and patients without consent;	
23	b. touched potential patients and patients without consent;	
23	c. asserted derogatory comments to potential patients and patients without	
25	consent;	
26	d. caused the display of the bodies and/or body parts of potential patients	
27	and patients to other third parties present at CPSI and LSI without	
28	consent;	
	e. performed medical procedures on patients without their informed	

1		consent and without explanation of all the risks associated with such
2		procedures;
3	f.	failed to perform the consented medical procedures on patients;
4	g.	performed medical procedures on patients without providing proper
5		post-operative care;
6	h.	performed medical procedures on patients without providing proper pre-
7		operative care;
8	i.	performed unnecessary medical procedures;
9	j.	performed follow-up surgeries without proper recovery time from prior
10		surgeries;
11	k.	performed medical procedures in a manner that fell below the applicable
12		standard of care;
13	1.	performed multiple medical procedures in a manner that fell below the
14		applicable standard of care, and which resulted in the disfigurement of
15		patients and increased the susceptibility of patients to infection;
16	m.	pressured patients, while the patients were under the influence of
17		medications and/or anesthesia, to change the scope of procedures to be
18		performed;
19	n.	prescribed medications to patients without proper evaluation, testing,
20		and diagnosis of patients;
21	0.	misrepresented the nature of the surgeries performed on patients by
22		underestimating the nature and extent of scarring the patients would
23		receive from procedures;
24	p.	misrepresented the recovery time and lasting effects from medical
25		procedures;
26	q.	failed to specifically identify all procedures performed on patients;
27	r.	published photos and/or videos of clients on websites and social media
28		without their consent;

2patients did not provide positive reviews of MOWLAVI on social media;3media;419. On a daily basis, for at least four years leading up to the filing of this complaint, Defendants MOWLAVI, REYES, GARDNER, and/or DOES 1-10, performed procedures on clients that resulted in the removal of body parts and body tissue for the express purpose of concealing infections and/or the body tissue impacted by those infections, that resulted from the unlawful conduct of Defendants MOWLAVI, REYES, GARDNER, and DOES 1-10, at CPSI and LSI.1020. On a daily basis, for at least four years leading up to the filing of this complaint, Defendants REYES, GARDNER, and DOES 6-10, forged the name of MOWLAVI on prescriptions written for clients of CPSI and LSI.1321. The unlawful conduct of Defendants MOWLAVI, REYES, GARDNER, and DOES 1-10, impacted numerous patients over the course of at least four years leading up to the filing of this complaint including some and/or all of the following patients also identified in other civil actions filed on behalf of the same patients and whom are only being identified here by their initials to protect their privacy: A.M.G.; G.G.; B.C.; B.H.; C.C.; C.J.; C.L.; C.S.J.; D.P.; G.C.; J.H.; K.A.; K.M.; M.M.; L.G.; L.S.; M.P.; N.B.; S.L.; T.A.; V.S.; J.A.; J.L.A.; X.A.; B.B.; M.E.; N.F.; A.G.; L.L.G.; E.L.; B.P.; M.S.; S.S.; D.V.; R.V.; K.D 22. The specific patients identified in the preceding paragraph were similarly identified in the action filed on their behalf, particularly in the First Amended Complaint filed in Orange County Superior Court Case No.: 30-2021-01238424-CU-MM-CJC on March 14, 2022. Defendants' unlawful conduct also extended to patients that have yet to be identified by name, whose identifies may be revealed during the course of discovery in this action. 23. The conduct toward the p	1	s. refused to perform revisionary or corrective procedures on patients if
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 D.P.; G.C.; J.H.; K.A.; K.M.; M.M.; L.G.; L.S.; M.P.; N.B.; S.L.; T.A.; V.S.; J.A.; J.L.A.; X.A.; B.B.; M.E.; N.F.; A.G.; L.L.G.; E.L.; B.P.; M.S.; S.S.; D.V.; R.V.; K.D 22. The specific patients identified in the preceding paragraph were similarly identified in the action filed on their behalf, particularly in the First Amended Complaint filed in Orange County Superior Court Case No.: 30-2021-01238424-CU-MM-CJC on March 14, 2022. Defendants' unlawful conduct also extended to patients that have yet to be identified by name, whose identities may be revealed during the course of discovery in this action. 23. The conduct toward the patients identified in the preceding paragraphs constituted unlawful, unfair, and fraudulent business activities in direct violation of one or 	16	other civil actions filed on behalf of the same patients and whom are only being identified here
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 20 22. The specific patients identified in the preceding paragraph were similarly identified in the action filed on their behalf, particularly in the First Amended Complaint filed in Orange County Superior Court Case No.: 30-2021-01238424-CU-MM-CJC on March 14, 2022. Defendants' unlawful conduct also extended to patients that have yet to be identified by name, whose identities may be revealed during the course of discovery in this action. 23. The conduct toward the patients identified in the preceding paragraphs constituted unlawful, unfair, and fraudulent business activities in direct violation of one or 	18	D.P.; G.C.; J.H.; K.A.; K.M.; M.M.; L.G.; L.S.; M.P.; N.B.; S.L.; T.A.; V.S.; J.A.; J.L.A.;
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 23 2022. Defendants' unlawful conduct also extended to patients that have yet to be identified by 24 name, whose identities may be revealed during the course of discovery in this action. 25 23. The conduct toward the patients identified in the preceding paragraphs 26 constituted unlawful, unfair, and fraudulent business activities in direct violation of one or 	21	identified in the action filed on their behalf, particularly in the First Amended Complaint filed
 name, whose identities may be revealed during the course of discovery in this action. 23. The conduct toward the patients identified in the preceding paragraphs constituted unlawful, unfair, and fraudulent business activities in direct violation of one or 	22	in Orange County Superior Court Case No.: 30-2021-01238424-CU-MM-CJC on March 14,
 25 23. The conduct toward the patients identified in the preceding paragraphs 26 constituted unlawful, unfair, and fraudulent business activities in direct violation of one or 	23	2022. Defendants' unlawful conduct also extended to patients that have yet to be identified by
26 constituted unlawful, unfair, and fraudulent business activities in direct violation of one or	24	name, whose identities may be revealed during the course of discovery in this action.
	25	23. The conduct toward the patients identified in the preceding paragraphs
27 more of the following authorities as to each of the individuals identified therein:	26	constituted unlawful, unfair, and fraudulent business activities in direct violation of one or
	27	more of the following authorities as to each of the individuals identified therein:
28a.Bus. & Prof. Code § 2052(a) (<i>i.e.</i> unlawful medical practice);	28	a. Bus. & Prof. Code § 2052(a) (<i>i.e.</i> unlawful medical practice);

1	b.	Bus. & Prof. Code § 2052(b) (i.e. aiding and abetting unlawful medical
2		practice);
3	с.	Bus. & Prof. Code § 2234 (i.e. unprofessional conduct);
4	d.	Bus. & Prof. Code § 4324(a) (i.e. forgery of prescriptions);
5	e.	Civil Code § 1710(3) (i.e. fraudulent concealment);
6	f.	Civil Code § 3344 (<i>i.e.</i> appropriation of name or likeness);
7	g.	Civil Code §§ 1572, 1709, 1710(1) (i.e. intentional misrepresentation);
8	h.	Civil Code §§ 1572, 1709, 1710(1) (i.e. negligent misrepresentation);
9	i.	Civil Code §§ 1714(a), 3333.1 and 3333.2 (i.e. medical negligence);
10	ј.	Penal Code § 203 (i.e. mayhem);
11	k.	Penal Code § 242 (<i>i.e.</i> battery);
12	1.	Penal Code § 243(d) (<i>i.e.</i> battery resulting in serious bodily injury);
13	m.	Penal Code § 518 (i.e. extortion);
14	n.	Medical Battery (See Stewart v. Superior Court (2017) 16 Cal.App.5th
15		87, 105; Cobbs v. Grant (1972) 8 Cal.3d 229, 239.
16	24. Robert	Kachenmeister, M.D. is a board-certified plastic surgeon and chief of the
17	plastic surgery depart	ment at Providence Mission Hospital. Dr. Kachenmeister opined that
18	based on his experien	ce with patients that were previously treated by MOWLAVI, he has
19	personally witnessed	a pattern and practice of MOWLAVI performing unnecessary and
20	excessive procedures.	Per Dr. Kachenmeister, the frequency of complications and poor results
21	by MOWLAVI's proc	edures are unacceptable and not within the standard of care. Dr.
22	Kachenmeister confir	med that surgical technicians such as REYES and GARDNER are not
23	permitted or licensed	to provide post-operative care or perform surgical procedures.
24	25. On a da	aily basis, for at least four years leading up to the filing of this complaint,
25	Defendants MOWLA	VI, GARDNER, REYES, and DOES 1-10, failed to maintain a sterile
26	medical environment	before, during, and after the performance of medical procedures at CPSI
27	and LSI., and which re	esulted in patients contracting infections. Patients who underwent
28	procedures at CPSI an	d LSI were operated on by unlicensed individuals GARDNER, REYES,

1 and DOES 6-10, at the direction of MOWLAVI and DOES 1-5, instruments were used without 2 being cleaned between patients, single use handheld wands were reused between patients, fluid 3 drained from patients was commingled, the operating room was not cleaned between each and every surgery, and individuals in the operating room did not comply with sterility protocols. 4 On November 5, 2019, the American Association for Accreditation of Ambulatory Surgery 5 6 Facilities (AAAASF) placed LSI on probationary accreditation status after multiple and 7 unsuccessful attempts by AAAASF to contact Defendant MOWLAVI about the environment at 8 CPSI and/or LSI.

9

Unlawful Transactions Made for the Purpose of Avoiding Financial Liability

26. Based on information and belief, and information provided in the filings
 associated with Bankruptcy Petition #: 8:22-bk-10296-SC filed on or about February 21, 2022
 in U.S. Bankruptcy Court, Central District of California (Santa Ana), and so to avoid and/or
 minimize the potential financial liability for the conduct described herein, MOWLAVI
 engaged in a series of actions in violation of California Civil Code section 3439.04(a)(1) ("the
 Uniform Voidable Transactions Act").

16 27. In the months prior to January 2021, MOWLAVI's primary real estate and
17 personal property assets included properties with a total value in excess of \$13,000,000.00, and
18 CPSI business assets valued at approximately \$5,000,000.00.

In or about January 2021, MOWLAVI and his spouse, Ms. Sarvnaz
 Homayounpour, transferred their marital community property assets described in the preceding
 paragraph into The Mowlavi/Homayounpour Trust, dated January 12, 2021.

22 29. MOWLAVI, during testimony in §341 Hearings in March and April of 2022,
23 stated that business at CPSI and/or LSI decreased after website reporting relating to
24 MOWLAVI's conduct at LSI and CPSI.

30. During the summer of 2021, CPSI and MOWLAVI faced an investigation by
the California Medical Board as a result of a wrongful death of a patient while under
MOWLAVI's care. The investigation by the Medical Board stemmed from an incident
relating to MOWLAVI's unlicensed medical staff, including REYES and GARDNER,

performing medical procedures on a patient, Irlanda Swarthout. Ms. Swarthout died from
 complications relating to her surgery, and her autopsy revealed over fifteen punctures and
 perforations to her kidneys.

4 31. In the summer of 2021, MOWLAVI also became aware of future financial
5 liability as a result of forthcoming medical malpractice claims directed toward MOWLAVI,
6 CPSI, and LSI, as described in the First Amended Complaint filed in Orange County Superior
7 Court Case No.: 30-2021-01238424-CU-MM-CJC.

32. In September of 2021, MOWLAVI transferred approximately \$13,000,000 of
real estate and personal property assets to his spouse through a September 8, 2021 Property
Agreement, resulting in the transfer of 90% (ninety percent) of the marital community property
real estate assets valued at \$12,542,000. Additionally, MOWLAVI's spouse received \$756,000
(50% of the marital community) E*Trade/Scottrade account. In return, MOWLAVI received
CPSI that MOWLAVI self-valued at \$10,620,000.

14 33. With respect to CPSI's valuation at the time of the September 2021 transfer of 15 assets, no deduction appears to have been made for the medical malpractice claims, the August 2021 Medical Board of California Accusation, or decreases in revenue described during 16 17 MOWLAVI's testimony in March and April of 2022. No deductions were made although MOWLAVI asserted that he suffered "harm to his reputation in his profession, trade, and/or 18 19 business, loss of business, emotional harm, exposure to contempt, ridicule, and shame" as a 20 result of social media attention toward himself and his businesses. MOLWAVI made these 21 assertions in the Complaint filed in Orange County Superior Court Case No. 30-2021-01226133-CU-DF-CJC against a former patient. 22

34. On December 28, 2021, former patients filed their Complaint in Orange County
Case No. 30-2021-01238424-CU-MM-CJC, and the California Medical Board filed its First
Amended Accusation relating to the death of former patient on February 3, 2022.

26 35. On February 21, 2022, MOWLAVI filed for bankruptcy protection under
27 Chapter 11, and which required the filing of Schedules and Statements, including a Statement
28 of Financial Affairs.

1	36. In the required Statement of Financial Affairs, MOWLAVI failed to list the	
2	September 2021 transfer of \$13,000,000 of real estate and personal property to his spouse,	
3	thereby concealing this transfer from the Court and his creditors.	
4	37. Although transferring 90% of all of his real estate assets to his spouse in	
5	September 2021, MOWLAVI has continued to pay the entire mortgage payments for the three	
6	real estate properties he transferred to his spouse, even after filing for bankruptcy protection.	
7	38. MOWLAVI's transfer of assets to avoid financial liability constitutes an	
8	unlawful violation of Civil Code § 3439.04.	
9	False and Misleading Advertising	
10	39. MOWLAVI authored the book, "High Definition Liposuction" which described	
11	his credentials, awards, lectures and publications. The cover, portions of the book, and images	
12	of patients from the book were displayed on various websites relating to CPSI and LSI, some	
13	of which were owned and operated by MOWLAVI. Those websites include, but were not	
14	limited to, the following:	
15	 https://cosmeticplasticsurgeryinstitute.com/contact/; 	
16	 https://highdefinitionliposuction.com/hd-lipo-lp/; 	
17	 https://drlaguna.com/the-definitive-book-on-high-definition-liposuction/; 	
18	• https://highdefinitionliposuction.com/questions-and-answers-high-definition-	
19	liposuction/.	
20	MOWLAVI describes "High Definition Liposuction" on his own website	
21	(https://drlaguna.com/the-definitive-book-on-high-definition-liposuction/) as a "definitive book	
22	on High Definition Liposuction", and which "was published in February of 2020 by Lulu	
23	productions." The website states that "High Definition Liposuction" was written by Dr. Arian	
24	Mowlavi to educate potential clients about the superior outcomes that they should expect	
25	following high definition body contouring. The same website states that "High Definition	
26	Liposuction" "defines 'high definition liposuction' and reviews Dr. Mowlavi's approach to	
27	customizing surgical plans to optimize body contours."	
28	40. Copies of "High Definition Liposuction" were distributed to patients that	

1 consulted with MOWLAVI for the performance of medical procedures, distributed to potential 2 patients, and were otherwise available to the public.

3

41. According to "High Definition Liposuction", eighty to ninety percent of MOWLAVI's practice constitutes VASER[®] liposuction. MOWLAVI describes VASER[®] as 4 "high-definition" liposuction that is "minimally invasive body contouring procedure that uses 5 6 ultrasound technology to melt fat. It is an advanced body sculpting technique that allows [a] 7 surgeon to remove unwanted fat surrounding [the] muscles to create a toned, athletic appearance." According to MOWLAVI, this procedure involves infiltration of the deep and 8 9 superficial layers of fat which leads to "stunning results" and "more high defined muscle 10 patterns and ... etching" than traditional liposuction. The outcomes are "really beautiful," "majestic," and "real masterpieces." 11

12 42. In "High Definition Liposuction", MOWLAVI claims that he is "considered one 13 of the top body sculptors around the world," has performed "over 15,000 procedures[,]" and is 14 "well-regarded as a world-renowned face, body, and breast sculptor because of his superior 15 outcomes and body transformations."

At the end of the book, MOWLAVI'S services and staff are highlighted. The 16 43. 17 book states, "To ensure optimum high definition results, it is critical to choose a surgeon that 18 offers a full spectrum high definition liposuction body contouring center." It further states that 19 MOWLAVI'S surgical facilities offer "state of the art equipment," a state certified operating 20 room that provides "a safe operative and postoperative recovery center[,]" and experienced 21 staff.

44. 22 On a daily basis, for at least four years leading up to the filing of this complaint, 23 Defendant MOWLAVI engaged in unfair competition by falsely advertising medical 24 procedures in "High Definition Liposuction", and repeated the false statements in those 25 advertisements to potential patients during in-person consultations. Contrary to MOWLAVI's 26 advertising and statements that would lead consumers to believe that licensed surgeons would 27 perform the surgical procedures at CPSI and LSI, unlicensed individuals GARDNER and 28 REYES participated in and performed those surgeries.

45. On a daily basis, for at least four years leading up to the filing of this complaint,
 MOWLAVI's advertising in "High Definition Liposuction", and the statements made therein
 that were repeated verbally to potential patients during consultations, that would lead
 consumers to believe that CPSI and LSI were surgical facilities offering a state certified
 operating room with a "a safe operative and postoperative recovery center[,]" and experienced
 staff, were false and/or misleading.

7 46. MOWLAVI's advertising in "High Definition Liposuction", and the statements made therein that were repeated verbally to potential patients during consultations, were false 8 and/or misleading on a daily basis, for at least four years leading up to the filing of this 9 10 complaint, because CPSI and LSI were surgical facilities that did not provide a safe operative 11 and post-operative recovery center as evidenced by the large number of infections experienced by patients of CPSI and LSI, some of which required hospitalizations, and which MOWAVLI, 12 CPSI, LSI, GARDNER, and REYES attempted to conceal from the same patients by 13 14 performing additional unconsented surgeries so to remove infected tissues and body parts. 15 47. MOWLAVI's advertising in "High Definition Liposuction", and the statements made therein that were repeated verbally to potential patients during consultations, were false 16 17 and/or misleading on a daily basis, for at least four years leading up to the filing of this 18 complaint, because CPSI and LSI did not employ experienced staff to conduct medical 19 procedures, but rather utilized unlicensed individuals GARDNER, REYES, and DOES 6-10, to 20 perform those medical procedures under the supervision of, at the direction of, and while under the employment of Defendants MOWLAVI, CPSI, and LSI. 21 22 48. Defendants' false and misleading advertising is unfair competition for which 23 this action seeks to remedy. FIRST CAUSE OF ACTION 24 25 (VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200 26 AGAINST DEFENDANTS) 49. Plaintiff re-alleges the allegations in paragraphs 1 through 48 above as though 27 fully set forth herein. 28

1	50. On a daily basis, for at least four years leading up to the filing of this complaint,
2	the conduct alleged in paragraphs 1 through 48 as to MOWLAVI, GARDNER, REYES, CPSI,
3	LSI, and DOES 1-10, constituted unlawful, unfair, and fraudulent business practices under
4	California Business & Professions Code Section 17200.
5	51. The conducted alleged in paragraphs 1-25 and 39-48 as to Defendants
6	MOWLAVI, GARDNER, REYES, CPSI, LSI, and DOES 1-10, constitutes unlawful, unfair,
7	and fraudulent conduct in direct violation of one or more of the following authorities as to each
8	of the individuals identified therein:
9	a. Bus. & Prof. Code § 2052(a) (<i>i.e.</i> unlawful medical practice);
10	b. Bus. & Prof. Code § 2052(b) (<i>i.e.</i> aiding and abetting unlawful medical
11	practice);
12	c. Bus. & Prof. Code § 2234 (i.e. unprofessional conduct);
13	d. Bus. & Prof. Code § 4324(a) (<i>i.e.</i> forgery of prescriptions);
14	e. Civ. Code § 1710(3) (<i>i.e.</i> fraudulent concealment);
15	f. Civil Code § 3344 (<i>i.e.</i> appropriation of name or likeness);
16	g. Civil Code §§ 1572, 1709, 1710(1) (<i>i.e.</i> intentional misrepresentation);
17	h. Civil Code §§ 1572, 1709, 1710(1) (i.e. negligent misrepresentation);
18	i. Civil Code §§ 1714(a), 3333.1 and 3333.2 (<i>i.e.</i> medical negligence);
19	j. Penal Code § 203 (i.e. mayhem);
20	k. Penal Code § 242 (i.e. battery);
21	1. Penal Code § 243(d) (<i>i.e.</i> battery resulting in serious bodily injury);
22	m. Penal Code § 518 (i.e. extortion);
23	n. Medical Battery (See Stewart v. Superior Court (2017) 16 Cal.App.5th 87,
24	105; Cobbs v. Grant (1972) 8 Cal.3d 229, 239.
25	52. The conducted alleged in paragraphs 26-38 as to Defendant MOWLAVI
26	constitutes unlawful, unfair, and fraudulent conduct in direct violation of California Civil Code
27	section 3439.04(a) ("the Uniform Voidable Transactions Act").
28	53. The conducted alleged in paragraphs 39-48 as to Defendants MOWLAVI,

1	CPSI, LSI, and DOES 1-5, constitutes unfair competition through false and misleading
2	advertising relating to the medical procedures MOWLAVI, GARDNER, REYES, and DOES
3	1-10, performed at CPSI and LSI, in violation of Civil Code section 1770(a)(5) and Business
4	and Professions Code Sections 651, 17500 and 17508. All such violations are also unlawful,
5	unfair, and fraudulent business practices that constitute unfair completion under California
6	Business & Professions Code Section 17200.
7	54. The People hereby seek civil penalties of up to \$2,500.00 per violation to the
8	maximum extent permitted by law against Defendants for these acts of unfair competition.
9	55. The People further hereby seek all appropriate injunctive relief pursuant to
10	Business and Professions Code Section 17203 and any applicable restitution in an amount to be
11	determined at trial.
12	SECOND CAUSE OF ACTION
13	(VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTIONS 17500 AND
14	17508 AGAINST DEFENDANTS)
15	56. Plaintiff re-alleges the allegations of paragraphs 1-25 and 39-48 above as
16	though fully set forth herein.
17	57. Under Business and Professions Code Section 17500, it is "unlawful to make
18	or disseminate or cause to be made or disseminated before the public in this state, in any
19	newspaper or other publication, or any advertising device, or by public outcry or proclamation,
20	or in any other manner or means whatever, including over the Internet, any statement,
21	concerning services, professional or otherwise, or concerning any circumstance or matter of
22	fact comments durith the many and much survey on discussion them. () is in the
~~	fact connected with the proposed performance or disposition thereof, which is untrue or
23	misleading" Under Business and Professions Code Section 17508, it is further "unlawful"
23	misleading" Under Business and Professions Code Section 17508, it is further "unlawful"
23 24	misleading" Under Business and Professions Code Section 17508, it is further "unlawful" to "make any false or misleading advertising claim, including claims that (1) purport to be
23 24 25	misleading" Under Business and Professions Code Section 17508, it is further "unlawful" to "make any false or misleading advertising claim, including claims that (1) purport to be based on factual, objective, or clinical evidence, (2) compare the product's effectiveness or

misleading advertising to sell their plastic surgery and cosmetic treatments. These
 advertisements were made in hard copy materials including but not limited to "High Definition
 Liposuction", verbal statements provided to potential patients directly in their clinics, and/or on
 Defendants' websites.

5 59. Defendants MOWLAVI, CPSI, and LSI, falsely advertised that competent
6 licensed surgeons would perform the surgical procedures at CPSI and LSI, although unlicensed
7 individuals GARDNER, REYES, and DOES 6-10, participated in and performed those
8 surgeries and associated pre-operative and post-operative care.

9 60. For each day that Defendants MOWLAVI, CPSI, and LSI, falsely advertised
10 services as alleged herein, and for each advertisement that was disseminated or viewed,
11 Defendant committed a violation of California Business and Professions Code Sections 17500
12 and 17508.

13 61. The People hereby seek civil penalties of up to \$2,500.00 per violation to the
14 maximum extent permitted by law for Defendant's unlawful false and misleading advertising.
15 62. The People further hereby seek all appropriate injunctive relief pursuant to
16 Business and Professions Code Section 17535 and any applicable restitution in an amount to be
17 determined at trial.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

20 1. For civil penalties pursuant to Business and Professions Code section 17206
21 and for restitution, in amounts to be determined at trial;

22 2. An order, pursuant to Business and Professions Code section 17203,
 23 permanently enjoining Defendants, and each of its managing officers or employees, from
 24 violating the statutory authorities relating to the operation of outpatient facilities;

3. An order, pursuant to Business and Professions Code section 17203,
permanently enjoining and affirmatively requiring Defendants' full compliance, and/or
forbidding their continued lack of compliance, with any and all applicable authorities relating
to the operation of outpatient facilities and performance of medical procedures therein;

1	4. An order, pursuant to Business and Professions Code section 17535,
2	permanently enjoining Defendants, and each of its managing officers and employees from
3	further false and misleading advertising in violation of California law;
4	5. Plaintiff's costs of inspection, investigation, enforcement, prosecution, and suit
5	herein, and any other applicable fees for prosecuting this action; and
6	6. Any such other relief as the Court may deem just and proper.
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8	DATED: June 19, 2023
9	
10	TODD SPITZER, DISTRICT ATTORNEY COUNTY OF ORANGE
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12	By: Muer Varyin
13	DIRAN H. TASHJIAN Deputy District Attorney
14	Deputy District Attorney
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